

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:20 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, July 18, 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
- Deputy Clerk Rosilyn Stapleton

Invocation-Reverend R.D. Daniels, St. Paul A.M.E. Church of Apopka

Pledge of Allegiance

Nonagenda-Commissioner Sindler introduced students participating in the Latino Leadership Youth Initiative in attendance

Proclamation-Acknowledging the retirement of Public Works Director Bill Baxter

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 Administrative Services Department Item 9 for discussion with public hearing (see page 14 for subsequent approval)
- Deferred Growth Management Department Item 3 for a separate vote (see page 7 for subsequent approval)
- Deferred Public Works Department Item 1 for discussion (see page 9 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. Scrap assets.
  - b. Trade in assets for an allowance towards the lease or purchase of new equipment.

- c. Dispose of assets that were totaled out by our Third Party Administrator for their salvage value.

(Property Accounting Department)

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: July 7, 2006, to July 13, 2006; total of \$12,031,077.92 (Finance and Accounting Department).

County Administrator

1. Confirmation of Commissioner Stewart's reappointment to the Lake Conway Water and Navigation Control District Advisory Board of Cheryl Leonard with a term expiring December 31, 2006, and appointment of Lisa G. Smith with a term expiring December 31, 2006 (Agenda Development Office).
2. Confirmation of Commissioner Stewart's reappointment of Joe Scarbrough to the Lake Jessamine Water Advisory Board with a term expiring December 31, 2007 (Agenda Development Office).
3. Confirmation of Commissioner Stewart's reappointment of Douglas M. Spencer and Rhonda Morgan to the Lake Mary Municipal Service Taxing Unit (MSTU) Advisory Board with terms expiring December 31, 2007 (Agenda Development Office).
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).
5. Approval of the revised Disaster/Emergency Work Assignment and Compensation Policy with an effective date of the beginning of the next full pay period after Board approval (Human Resources Division).

County Attorney

1. Approval and execution by the County Mayor of the County Deed reconveying Parcel A (a portion of 1003C1 and 1003B) to the property owners, for the eminent domain case of *Orange County v. American Brick Communities, et al.*, West Orange Trail Phase III Project.

Administrative Services Department

1. Approval to award Invitation for Bids Y6-1048-GJ, Inmate Apparel and Bedding-Term Contract, to the low responsive and responsible bidders for two 1-year contracts, by lot, in the estimated annual contract award amounts listed below:

|                                 |               |
|---------------------------------|---------------|
| Robinson Textiles               |               |
| Lot 1                           | \$274,200     |
| Lot 14                          | 39,600        |
| Lot 16                          | <u>17,400</u> |
| Estimated annual contract award | \$331,200     |

|                                 |               |
|---------------------------------|---------------|
| Tabb Textile Co., Inc.          |               |
| Lot 13                          | \$68,560      |
| Lot 15                          | 9,540         |
| Lot 17                          | 25,200        |
| Lot 20                          | <u>55,760</u> |
| Estimated annual contract award | \$159,060     |

([Inmate Programs and Support Division] Purchasing and Contracts Division).

2. Approval to award Invitation for Bids Y6-744-DB, Lancaster Road Landscaping Project, to the low responsive and responsible bidder, Vila and Son Landscaping Corporation. The total contract award amount is \$195,629.33 ([Highway Construction Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y6-750-DB, Dean Road, Lake Georgia Drive, and McCulloch Road Intersection Improvements, to the low responsive and responsible bidder, Gibbs & Register, Inc. The total contract award amount is \$1,439,000 ([Highway Construction Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y6-751-EZ, Jones Avenue Stormwater Facility Improvement Project, to the low responsive and responsible bidder, Gibbs & Register, Inc. The total contract award amount is \$3,878,724.15 ([Stormwater Management Division] Purchasing and Contracts Division).
5. Approval of Amendment 2, Contract Y5-616-NW, SCADA System Expansion, Phase 2, with DCR Engineering Services, Inc., in the amount of \$97,782.89 for a new contract amount of \$2,287,808.81 ([Water Reclamation Division] Purchasing and Contracts Division).

- 6. Approval of Sole-source Purchase, Purchase Order M26442, Caterpillar D-6R Landfill Dozer, for the Solid Waste Division with Ring Power Corporation at a contract award amount of \$309,392.22 ([Solid Waste Division] Purchasing and Contracts Division).
- 7. Approval and execution by the County Mayor of Easement and authorization to record instrument for Lake Gem Elementary School (Sanitary Sewer Line), District 2 (Real Estate Management Division).
- 8. Approval and execution by the County Mayor of Exchange Agreement, Resolution 2006-M-41, County Deed, and approval of Special Warranty Deed and authorization to perform all actions necessary and incidental to closing for Taft-Vineland Ditch Exchange, District 4 (Real Estate Management Division).
- 9. Approval and execution by the County Mayor of Resolution and County Deed and approval of Warranty Deeds and authorization to perform all actions necessary and incidental to closing for Lake Pickett Road (Chuluota Road to Lake Pickett Road) and C.R. 13 (Recreational Trail), District 5 (Real Estate Management Division).

(As stated in the above motion, this item was deferred for discussion with public hearing; see page 14 for subsequent approval.)

- 10. Approval and execution by the County Mayor of Resolution 2006-M-43, Exchange Agreements, County Deeds, and Temporary Ingress/Egress Easements; approval of Quit-Claim Deeds and Right of Entries; and authorization to disburse check to pay recording fees, exchange properties, and perform all actions necessary and incidental to closing for West Beach Boat Ramp, District 1 (Real Estate Management Division).

Community and Environmental Services Department

- 1. Approval of the May 2006 ReNEW Grant Recipients as recommended by the Neighborhood Grants Advisory Board in the total amount of \$41,038 as follows:

| <u>Organization</u>      | <u>District</u> | <u>Amount Awarded</u> |
|--------------------------|-----------------|-----------------------|
| Silver Woods Community   | 1               | \$25,000              |
| Wingrove Estates         | 1               | 11,038                |
| Southpointe Action Group | 6               | <u>5,000</u>          |
| Total                    |                 | \$41,038              |

Districts 1 and 6 (Neighborhood Services Division).

Growth Management Department

1. Approval to file Resolutions 2006-CEDD-011 and 2006-CEDD-012 for Satisfaction of Special Assessment Lien to recover costs associated with the demolition of 2 unsafe single-family residences, pursuant to Section 9-302 of the Orange County Code, District 3 (Division of Building and Safety).
2. Approval of an Economic Development Initiative Grant Agreement between Orange County and the U.S. Department of Housing and Urban Development (HUD) for the Marks Street Senior Center improvements and HUD 1044 form, District 3 (Housing and Community Development Division).
3. Clarification of the conditions of approval for the Eunice Avenue Planned Development/Land Use Plan (PD/LUP), District 2 (Planning Division).

(As stated in the above motion, this item was deferred for a separate vote. See page 7 for subsequent approval.)

Health and Family Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Orange County Fire Rescue Department to provide Advanced Life Support Transport Service. The term of this certificate is from July 31, 2006, through July 31, 2008. There is no cost to the County (EMS Office of the Medical Director).
2. Approval of the renewal Certificate of Public Convenience and Necessity for Orange County Fire Rescue Department to provide Advanced Life Support Air Transport Service. The term of this certificate is from July 31, 2006, through July 31, 2008. There is no cost to the County (EMS Office of the Medical Director).

Public Safety

1. Approval of the State-Funded Sub-Grant Agreement 07CP-11-06-58-01, CSFA Number 52.023, between the State of Florida Department of Community Affairs Division of Emergency Management and Orange County to award funds in the amount of \$21,138 to update the Hazard Analysis Data for Orange County (Fire Rescue Department).

## Public Works Department

1. Approval to utilize out-of-county wetland mitigation by reserving up to 25 wetland mitigation credits from the Florida Mitigation Bank for the proposed roadway improvements to Holden Avenue (John Young Parkway to Orange Blossom Trail), District 6 (Public Works Engineering Division).

(As stated in the above motion, this item was deferred for discussion. See page 9 for subsequent approval.)

2. Approval of the Joint Project Agreement with the City of Apopka for Potable Water, Reclaimed Water, and Sanitary Force Main Utilities Construction on Rock Springs Road, District 2 (Public Works Engineering Division).
3. Ratification of the Public Works Department's portion of the settlement between Arnold Grove and Ranch, and Orange County in the amount of \$80,000, District 1 (Stormwater Management Division).
4. Approval to install "No Parking" zones on 4 curves of Woods Edge Circle, District 5 (Traffic Engineering Division).
5. Approval of "Stop" sign installation in Victoria Pines, District 4 (Traffic Engineering Division).
6. Approval of "Stop" and "Yield" sign installations in Windsor Hill Reserve (aka Windsor Hill Phase 2), District 1 (Traffic Engineering Division).

## INFORMATIONAL ITEMS\*

### County Comptroller

1. Receipt of the following items to file for the record:
  - a. Orange County Industrial Development Authority Oath of Office for Sheila I. Porrata-Doria.
  - b. Copy received from Orange County Office of Management and Budget of the Winter Garden Village at Fowler Groves Community Development District Proposed FY 2007 Operations Budget.

(Comptroller Clerk of the Board of County Commissioners)

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

### COUNTY CONSENT AGENDA ITEMS DEFERRED

#### Growth Management Department

3. Clarification of the conditions of approval for the Eunice Avenue Planned Development/Land Use Plan (PD/LUP), District 2 (Planning Division).

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

Upon a motion by Commissioner Fernandez, 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 clarified the conditions of approval for the Eunice Avenue Planned Development/Land Use Plan (PD/LUP) as follows:

1. Development shall conform to the Eunice Avenue PD/LUP dated "received March 29, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.
3. Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of December 14, 2004 (executed on February 9, 2005).

Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the County shall immediately cease issuing building permits for any residential units in excess of the 4 residential units allowed under the zoning existing prior to the approval of the PD zoning. 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.

4. The applicant proposed to have 65 by 90-foot lots. Each lot contains 3 fee-simple units. Each unit shall be a minimum of 20 by 30 feet. One property owner shall own 3 garages with easements to each of the other 2 owners. To protect future property owners, this project shall be developed as a condominium plat.
5. The waiver from Chapter 38-1258(a) is granted to allow 2-story multi-family structure within 100 feet of single-family zoned property (75 feet) as these units will be developed as condominiums with fee-simple ownership of each unit.
6. Short-term leases for less than 1 year are prohibited.
7. Traffic calming for the Bay Lake Subdivision shall be determined at the Preliminary Subdivision Plan stage.

## Public Works Department

1. Approval to utilize out-of-county wetland mitigation by reserving up to 25 wetland mitigation credits from the Florida Mitigation Bank for the proposed roadway improvements to Holden Avenue (John Young Parkway to Orange Blossom Trail), District 6 (Public Works Engineering Division).

Commissioner Sindler requested this item be deferred for discussion. Board discussion ensued.

County Administrator Lalchandani announced that approval of this item also includes execution of a letter of agreement between Orange County and Mitigation Marketing.

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved utilizing out-of-county wetland mitigation by reserving up to 25 wetland mitigation credits from the Florida Mitigation Bank for the proposed roadway improvements to Holden Avenue (John Young Parkway to Orange Blossom Trail); and further, approved execution of the letter of agreement between Orange County and Mitigation Marketing.

## BUDGET WORKSESSION

### Budget Introduction

County Mayor Crotty presented an introduction to the budget process. He requested the Board hold any action on the items until the budget consent agenda is presented on July 20, 2006 (see July 19, 2006, minutes for other action taken).

### Government Finance Offices Association (GFOA) Budget Award

The County Mayor recognized Office of Management and Budget (OMB) staff for its accomplishments. Lydia Ryan, representing the GFOA, presented the GFOA Budget Award to OMB Manager Randy Singh and the OMB staff.

### Budget Introduction-continued

County Administrator Lalchandani presented an overview of the agenda for the 3-day worksessions; outlined the worksessions' timelines; the departments' presentations; and other financial issues regarding the budget.

County Administrator Lalchandani announced that the Board will hold public hearings on September 7 and September 21, 2006, for the County budget and on September 11 and 19, 2006, for the County Library System budget.

#### Administrative Services Department

Administrative Services Department Director Warren Geltch presented a budget report; Board discussion ensued. No action was taken.

#### Growth Management Department

Growth Management Department Director Jim Harrison presented a budget report; Board discussion ensued. No action was taken.

#### Utilities Department

Utilities Department Director Mike Chandler presented a budget report; Board discussion ensued. No action was taken.

#### Health and Family Services Department

Health and Family Services Department Director Larry Jones presented a budget report; Board discussion ensued. No action was taken.

County Mayor Crotty announced that the Cooperative Extension Education Center item will be considered at the beginning of 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 Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- Deputy Clerk Rosilyn Stapleton

Commissioner Teresa Jacobs joined the meeting where indicated.

Nonagenda-County Mayor Crotty recognized State Representative Andy Gardner in attendance.

BUDGET WORKSESSION-CONTINUED

Health and Family Services Department-continued

Deputy Administrative Services Department Director John Terwilliger presented a budget report concerning the Cooperative Extension Education Center. Board discussion ensued.

Upon a motion by Commissioner Segal, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board accepted the \$1 million State of Florida Community Budget Issues Request (CBIR) for the Cooperative Extension Education Center Project; and further, directed that the grant funds enhance and not supplant the current funding.

Medical Examiner Building

Deputy County Administrator Tom Weinberg and Deputy Administrative Services Department Director John Terwilliger presented a budget report; Board discussion ensued. No action was taken.

Commissioner Jacobs joined the meeting.

THE FOLLOWING 3 ITEMS WERE CONSIDERED TOGETHER:

Convention Center Budget/Tourist Development Tax Update

Deputy County Administrator Sharon Donoghue presented a report Board discussion ensued; County Mayor Crotty and City of Orlando Mayor Buddy Dyer contributed to the discussion. No action was taken.

and

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, SECTION 25-140, TOURIST DEVELOPMENT PLAN

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

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE ("THE TOURIST DEVELOPMENT PLAN") TO AUTHORIZE TOURIST DEVELOPMENT TAX FUNDING TO PROVIDE ADDITIONAL FUNDING FOR FISCAL YEAR 2006/07 TO THE ORLANDO/ORANGE COUNTY CONVENTION AND VISITORS BUREAU, INC.; AND AUTHORIZING ADDITIONAL FUNDING FOR THE FLORIDA CLASSIC FOOTBALL GAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

and

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE, CHAPTER 25, ARTICLE IV, INCREASING THE TOURIST DEVELOPMENT TAX RATE

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

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE IV OF CHAPTER 25 OF THE ORANGE COUNTY CODE TO INCREASE THE RATE OF THE TOURIST DEVELOPMENT TAX NOW IMPOSED PURSUANT TO SECTION 125.0104, FLORIDA STATUTES, FROM THE CURRENT RATE OF FIVE PERCENT (5%) TO A NEW RATE OF SIX PERCENT (6%); PROVIDING FOR THE COLLECTION AND USE OF THE ADDITIONAL TAX REVENUES; PROVIDING AN EFFECTIVE DATE AND FOR OTHER RELATED MATTERS.

Staff reviewed the proposed ordinances and outlined their provisions.

Staff recommended the following revision to the proposed ordinance amending the Tourist Development Plan:

- The last sentence of Section 25-140(12) to read as follows: "Funding in the amount of one hundred thirty-seven thousand five hundred dollars (\$137,500) per fiscal year may be granted for fiscal years 2006-07 through 2008-09 for the promotion of tourism through the staging of the Florida Classic with the recipient of such funding

to alternate each year between Bethune-Cookman College and Florida A&M University, commencing with Florida A&M University for the 2006 Florida Classic."

The following persons addressed the Board:

- Anthony Grant, Town of Eatonville Mayor
- Jim Lewis
- Richard Maladecki
- Pat Engfer
- Cathy Kerns
- Dan Kirby
- Jim Pugh
- Dr. Rita Bornstein
- Harris Rosen
- Mike Watkins
- George Bell

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted Ordinance 2006-14, amending Orange County Code, Section 25-140, the Tourist Development Plan to include a revision as outlined by staff as follows:

- The last sentence of Section 25-140(12) to read as follows: "Funding in the amount of one hundred thirty-seven thousand five hundred dollars (\$137,500) per fiscal year may be granted for fiscal years 2006-07 through 2008-09 for the promotion of tourism through the staging of the Florida Classic with the recipient of such funding to alternate each year between Bethune-Cookman College and Florida A&M University, commencing with Florida A&M University for the 2006 Florida Classic."

Upon a motion by County Mayor Crotty, seconded by Commissioner Segal, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; the Board adopted Ordinance 2006-15, amending Orange County Code, Chapter 25, Article IV, increasing the Tourist Development Tax Rate as amended below.

A motion by Commissioner Sindler, seconded by Commissioner Jacobs; Commissioners Jacobs, Sindler, and Hartage voting AYE by voice vote; County Mayor Crotty and Commissioners Fernandez, Stewart, and Segal voting NO by voice vote; to amend the

main motion as follows: change the word "will" in lines 82, 90, and 104 to the word "may" failed.

Upon a motion by Commissioner Jacobs, seconded by County Mayor Crotty, 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 as follows: Add after the word "will" on lines 82, 90, and 104, the phrase: "contingent upon the approval of the agreements referenced in paragraph 6, be used for the payment of debt service."

Commissioner Sindler left the meeting.

#### JULY 6, 2006, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Segal, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of July 6, 2006, with the exception of Item SE-06-07-005; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Item SE-06-07-005 in the name of Mohamed Diab on August 22, 2006.

Commissioner Sindler rejoined the meeting.

THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER:

#### COUNTY CONSENT AGENDA ITEM DEFERRED

Administrative Services Department

9. Approval and execution by the County Mayor of Resolution and County Deed and approval of Warranty Deeds and authorization to perform all actions necessary and incidental to closing for Lake Pickett Road (Chuluota Road to Lake Pickett Road) and C.R. 13 (Recreational Trail), District 5 (Real Estate Management Division).

and

#### PETITION TO VACATE PUBLIC HEARING-APPLICANT: ORANGE COUNTY PUBLIC WORKS DEPARTMENT; ADM. NO. 06-01, 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 Roger D. Cain, Orange County Public Works Department, Adm.

Petition to Vacate 06-01, to vacate a portion of a right-of-way known as C.R. 13 lying south of Lake Pickett Road and east of Chuluota Road; the parcels are unaddressed; Parcel IDs 09-22-32-0000-00-039 and 09-22-32-0000-00-014; District 5; Section 09, Township 22, Range 32; Orange County, Florida (the legal property description is on file).

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

No one appeared regarding the requests.

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

Upon a motion by Commissioner Segal, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 06-01 vacating a portion of a right-of-way known as C.R. 13, on the above-described property; and further, approved execution by the County Mayor of Resolution 2006-M-42 and County Deed, and approval of Warranty Deeds and authorization to perform all actions necessary and incidental to closing for Lake Pickett Road (Chuluota Road to Lake Pickett Road) and C.R. 13 (Recreational Trail).

PETITION TO VACATE PUBLIC HEARING-APPLICANT: JEFFREY D. ALLEN; NO. 06-11, 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 Jeffrey D. Allen, Petition to Vacate 06-11, to vacate a portion of a right-of-way known as Section Street lying north of Earlwood Avenue and west of North Orange Blossom Trail; the parcel is unaddressed; Parcel ID 08-20-27-8559-12-110; District 2; Section 08, Township 20, Range 27; Orange County, Florida (the legal property description is on file).

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

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

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

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 06-11 vacating a portion of a right-of-way known as

Section Street, on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: GARRETT MCNEIL; NO. 06-08, DRAINAGE EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Garrett McNeil, Cornerstone Development Group, Inc., Petition to Vacate 06-08, to vacate a drainage easement lying southeasterly of International Drive and northwesterly of Westwood Lake Boulevard; the parcel is unaddressed; Parcel ID 24-24-28-1326-00-040; District 1; Section 24, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

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

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

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 06-08 vacating a portion of a drainage easement, on the above-described property.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-APPLICANT: RICHARD W. UNGER, STILLWATER CROSSING AND CENTER BRIDGE PLANNED DEVELOPMENT; CASE RZ-05-11-134, MAY 18, 2006; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Richard W. Unger, Stillwater Crossing and Center Bridge Planned Development (PD), to rezone from Citrus Rural District (A-1) (1957) and Country Estate District-Cluster (R-CE-C) (1990) to PD District, on property generally located on the east side of Tiny Road, southeast of the proposed Western Beltway (S.R. 429), northwest of Lake Speer; multiple parcels located in District 1; Sections 09, 10, and 15, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

Staff outlined the request and identified the location of the subject property, the surrounding zoning classifications, the Future Land Use Map designations in the area, and the Planning and Zoning Commission's recommendation of approval subject to conditions.

The following person addressed the Board: Ken Light, for the applicant.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Policy Plan; and further, approved the request by Richard W. Unger, Stillwater Crossing and Center Bridge Planned Development (PD), to rezone from Citrus Rural District (A-1) (1957) and Country Estate District-Cluster (R-CE-C) (1990) to PD District, on the above-described property, subject to the following conditions:

1. Development shall conform to the Stillwater Crossing and Center Bridge PD; Orange County Board of County Commissioners' (BCC) approvals; Stillwater Crossing and Center Bridge Land Use Plan (LUP) Amendment, dated "Received April 14, 2006"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP have been negotiated and agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.
3. The following Education Condition of Approval shall apply: The project contains 563 units (the "Unvested Units") that are subject to the County's school capacity policy (aka the "Martinez Initiative"). The developer has contracted with McKinney Groves General Partnership ("McKinney Groves"), one of the members of the Lakeview MS consortium, to acquire school rights/credits established under the Capacity Enhancement Agreement (CEA) by and between McKinney Groves and the School Board, dated September 1, 2005. The number of school rights/credits equals or exceeds the number of Unvested Units. The County shall not record a plat for any of the Unvested Units until it receives notice from Orange County

Public Schools (OCPS) that the developer has closed on the acquisition of the school credits from McKinney Groves. Developer shall comply with all provisions of the CEA. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the CEA, the County shall immediately cease issuing building permits for any Unvested 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 CEA. The developer and its successor or assign under the CEA, 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 CEA, 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 CEA, in any dispute between the developer and OCPS over any interpretation or provision of the CEA.

4. Prior to platting, a Municipal Service Taxing Unit (MSTU) shall be established for the operation and maintenance of secondary and connector trails.
5. The developer shall obtain water, reclaimed water, and wastewater service from Orange County Utilities.
6. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Utility Plan for this PD.
7. The Adequate Public Facilities (APF) road (Bridgewater Crossings Boulevard) shall be constructed to the PD boundary from its current terminus in Tennyson Park at Summerport (Parcel SC-5) concurrently with the first phase of development within Phase III of the PD.
8. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the owner/applicant (or his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably been expected to have been relied upon by the BCC in approving the development, or could have responsibly induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made

to the BCC at a public hearing where the development was considered or approved.

9. All previous conditions of approval shall apply.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: JODI RUTMANN, ORLANDO INTERNATIONAL HOTEL PLANNED  
DEVELOPMENT; CASE RZ-06-02-017, MAY 18, 2006; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Jodi Rutmann, Orlando International Hotel Planned Development (PD), to rezone from General Commercial District (C-2) (1978) to PD District, on property located at 8437 and 8445 International Drive, generally described as the east side of International Drive, west side of Universal Boulevard, north side of Via Mercado, south of Sand Lake Road; Parcel IDs 36-23-28-7168-01-000 and 36-23-28-7168-01-002; District 6; Section 36, Township 23, 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, the Future Land Use Map designations in the area, and the Planning and Zoning Commission'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 Hartage, 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 Jodi Rutmann, Orlando International Hotel Planned Development (PD), to rezone from General Commercial District (C-2) (1978) to PD District, on the above-described property, subject to the following conditions:

1. Development shall conform to the Orlando International Hotel Land Use Plan (LUP), dated "Received April 7, 2006," 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. Outside storage and display shall be prohibited.
4. This project shall comply with the Convention Plaza District performance standards.
5. This project shall enter into the Convention Center Hotel Agreement.
6. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
7. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the owner/applicant (or his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably been expected to have been relied upon by the BCC in approving the development, or could have responsibly induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: CHARLIE M. MADDEN, CHAINE DU LAC PHASE II SUBDIVISION; CASE  
RZ-05-12-159, MAY 18, 2006; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Charlie M. Madden, Chaine Du Lac Phase II Subdivision to rezone from Country Estate District (R-CE) (1966) and Planned Development (PD) (1997) to Country Estate District-Cluster (R-CE-C), on property generally described as the southeast corner of McKinnon Road and Lake Butler Boulevard; multiple parcels located in District 1; Section 12, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

A court reporter, Dayna Whitney, First-Choice Reporting Services, was present.

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 Planning and Zoning Commission's recommendation of approval subject to restrictions.

The following persons addressed the Board:

- Lori Bradford, area resident
- Charlie Madden, the applicant

Commissioner Jacobs requested that the following condition be added: "The developer shall obtain wastewater, water, and reclaimed water services from Orange County subject to County rate resolutions."

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 made a finding of consistency with the Comprehensive Policy Plan; further, made a finding that the applicant is not being granted any greater density for connecting to the reclaimed water and wastewater system, and that connection is being requested because of the potential adverse impacts to an Outstanding Florida Water body, the Butler Chain of Lakes; and further, approved the request by Charlie M. Madden, Chaine Du Lac Phase II Subdivision, to rezone from Country Estate District (R-CE) (1966) and Planned Development (PD) (1997) to Country Estate District-Cluster (R-CE-C), on the above-described property; subject to the following restrictions:

1. The development shall comply with the cluster plan submitted with this request, dated "Received March 28, 2006," with the exception of items mentioned in this report or as may be modified to be in compliance with Orange County Code in future revisions.
2. The minimum house size shall be 3,000 square feet under heat and air.
3. The minimum lot size shall be 21,780 square feet (1/2 half acre).
4. The developer shall obtain wastewater, water, and reclaimed water services from Orange County subject to County rate resolutions.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING-  
APPLICANT: SHERRI FRAGOMENI FOR FRANK A. NEILSON; CASE RZ-06-04-058,  
MAY 18, 2006; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Sherri Fragomeni for Frank A. Neilson to rezone from Farmland Rural District (A-2) (1957) to Industrial District-General (I-2/I-3), on property located at 6682 Hoffner Avenue, generally described as the south side of Hoffner Avenue, west of Goldenrod Road; Parcel ID 14-23-30-5240-13-012; District 4; Section 14, Township 23, Range 30; Orange County, Florida (the legal property description is on file).

Commissioner Stewart requested this item be continued so she can hold a community meeting.

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 continued the public hearing to consider a request by Sherri Fragomeni for Frank A. Neilson to rezone from Farmland Rural District (A-2) (1957) to Industrial District-General (I-2/I-3) until September 12, 2006, at 2 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: LANCE BENNETT,  
SIGNATURE LAKES 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 Lance Bennett, MSCW, Inc., Signature Lakes

Planned Development/Land Use Plan (PD/LUP), to amend the LUP to grant a waiver from Section 38-1258(h) to allow shared recreation facilities between multi-family developments and single-family developments; pursuant to Orange County Code, Section 38-1207; on property generally located northwest of Fiquette Road, southwest of Lake Speer; Parcel IDs 22-23-27-0000-00-001, 28-23-27-0000-00-008, and 27-23-27-0000-00-009; District 1; Sections 22, 28, and 27, Township 23, Range 27; 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. Staff stated the DRC recommended approval of the request.

The following person addressed the Board: Geoffrey McNeill, for the applicant.

Commissioner Jacobs requested that the following condition be added: "The recreation facilities shall be designated on the applicable plat as a Common Area to be owned and maintained by Independence Community Association, Inc., with costs of operation and maintenance thereof to be assessed proportionately among the owners of residential dwellings in the community, in accordance with the terms of the Master Declaration for Independence."

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 Lance Bennett, MSCW, Inc., Signature Lakes Planned Development/Land Use Plan (PD/LUP), to amend the LUP to grant a waiver from Section 38-1258(h) to allow shared recreation facilities between multi-family developments and single-family developments on the above-described property; subject to the following conditions:

1. Development shall conform to the Signature Lakes PD; Orange County Board of County Commissioners' (BCC) approvals; dated "Received April 11, 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 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. A waiver from Section 38-1258(h) to allow shared recreational facilities between multi-family developments and single-family developments is granted.
4. All previous conditions of approval shall apply.
5. The recreation facilities shall be designated on the applicable plat as a Common Area to be owned and maintained by Independence Community Association, Inc., with costs of operation and maintenance thereof to be assessed proportionately among the owners of residential dwellings in the community, in accordance with the terms of the Master Declaration for Independence.

CONSERVATION AREA DETERMINATION APPEAL PUBLIC HEARING-APPELLANT/  
APPLICANT: GERMAN BRITTO AND CLAUDIA CARDENAS, DISTRICT 4

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by German Britto and Claudia Cardenas of the February 28, 2006, decision of the Orange County Environmental Protection Division on a Conservation Area Determination, on property located at 14742 Bicky Road; Parcel ID 34-24-30-6368-00-531; District 4; Section 34, Township 24, Range 30; Orange County, Florida (the legal property description is on file).

The County Mayor noted that this item is being continued.

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 continued the public hearing to consider an appeal by German Britto and Claudia Cardenas of the

February 28, 2006, decision of the Orange County Environmental Protection Division on a Conservation Area Determination until September 12, 2006, at 2 p.m.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:20 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Senior Minutes Coordinator