

## MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:15 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 3, 2006. The following were present:

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

Commissioner Teresa Jacobs joined the meeting where indicated.

Invocation-Alonzo Williams, III, a Ph.D. student at the University of Florida

Pledge of Allegiance

Presentation of proclamation designating the month of October as National Arts and Humanities Month

Presentation of proclamation designating the month of October as Hispanic Heritage Month

Nonagenda-County Mayor Crotty acknowledged County Comptroller Haynie's birthday.

## COUNTY CONSENT AGENDA

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

- Deferred Administrative Services Department Item 16 for discussion (see page 11 for subsequent approval)
- Deferred Community and Environmental Services Department Item 1 for discussion (see page 12 for subsequent approval)
- Deferred Growth Management Department Item 4 for discussion (see page 12 for subsequent approval)
- Deferred Public Works Department Item 5 for discussion/correction (see page 13 for subsequent action)
- Deferred Public Works Department Item 6 for discussion (see page 13)

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

#### County Mayor's Report

1. Confirmation of the appointment of Michael G. Brandt, Division Chief, Fire Rescue Department, and John Hightower, Division Chief, Fire Rescue Department.

#### County Comptroller

1. Approval of the minutes of the August 29 and September 7, 2006, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval to make monthly payments to the Comptroller from the General Fund, Fire Rescue, Parks and Recreation, and Public Service Tax Funds for fees, beginning October 2006 through September 2007 (Administrative/Fiscal Division).
3. Approval to make quarterly payments to the County Comptroller from the Building/Planning/Zoning, Convention Center/Tourist Development Tax, Water Utilities Division, Solid Waste Division, and Public Works Department Funds for fees, beginning October 2006 through September 2007 (Administrative/Fiscal Division).
4. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
  - September 15, 2006, to September 21, 2006; total of \$21,854,456.73
  - September 22, 2006, to September 29, 2006; total of \$69,845,743.12

(Finance and Accounting Department).

#### County Administrator

1. Approval of budget amendments 06-82 and 06-83 (Office of Management and Budget).

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

2. Approval of budget transfers 06-1807, 07C-9001, 07C-9002, 07C-9003, 07C-9005, 07C-9007, 07C-9008, 07C-9009, 07C-9010, 07C-9011, 07C-9012, 07C-9013, and 07C-9019 (Office of Management and Budget).

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

3. Approval of CIP amendments 07C-9001, 07C-9002, 07C-9003, 07C-9005, 07C-9007, 07C-9008, 07C-9009, 07C-9010, 07C-9011, 07C-9012, 07C-9013, and 07C-9019 (Office of Management and Budget).

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

4. Confirmation of the County Mayor's staff reappointments for the 4th quarter (July-September) FY 2005-2006:

- Thomas P. Breaud, Manager, Mosquito Control, Health and Family Services
- Carol Ann Burkett, Director, Anti-Drug Coalition, Public Safety
- Roger D. Cain, Manager, Development Engineering, Public Works
- Jerry L. Demings, Director, Office of Public Safety, Public Safety
- Thomas B. Drage, Jr.; County Attorney; County Administration
- Eric D. Gassman, Director of Fiscal Management, County Administration
- Larry A. Jones, Director, Health and Family Services
- Troy Edward Layton, Manager, Utilities Construction, Utilities
- Donna M. Loyko, Manager, Health Services, Health and Family Services
- Barry H. Luke, Division Chief, Communications, Fire Rescue
- Thomas J. Lyon, Division Chief, Operations, Fire Rescue
- John Louis Petrelli, Jr.; Manager; Risk Management; County Administration
- William H. Potter, Jr.; Manager; Parks and Recreation; Community and Environmental Services
- Ruby Rozier, Manager, Traffic Engineering, Public Works
- Sara K. Van Arsdel, Manager, Historical Museum, Health and Family Services
- Michael A. Walker, Manager, Information Services, Convention Center

(Human Resources Division).

5. Approval of County observed Holidays for the 2007 calendar year (Human Resources Division).

## County Attorney

1. Ratification of the Joint Stipulation for Final Resolution of All Issues between the County and Orlando Utilities Commission (OUC) regarding the OUC Curtis H. Stanton Energy Center Unit B, IGCC Project Power Plant Siting Application.

## Administrative Services Department

1. Approval to award Invitation for Bids Y6-1100-LC, Off-Site Data Storage, to the sole responsive and responsible bidder, Iron Mountain. The estimated contract award amount is \$112,990.80 for a 3-year term ([Information Systems and Services Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y6-765-EZ, Lester Mandell Park Parking and Drainage Improvements, to the low responsive and responsible bidder, Parthenon Construction Company. The total contract award amount is \$127,495.84 ([Parks and Recreation Division] Purchasing and Contracts Division).
3. Approval to award Invitation for Bids Y6-786-PH, Harbor East Force Main and Pump Station Improvements, to the low responsive and responsible bidder, C.E. James, Inc. The total contract award amount is \$2,765,790 ([Utilities Engineering Division] Purchasing and Contracts Division).
4. Ratification of Contract Y6-793, Lisa Waterway Canal Pipe Removal and Replacement, with Cathcart Contracting Company, in the contract award amount of \$153,649 ([Highway Construction Division] Purchasing and Contracts Division).
5. Approval of Task Authorization 5, Contract Y6-806, Engineering Services for the Holden Heights Community Improvements, with BFA/WBQ Joint Venture, in the amount of \$390,092 for a new contract total of \$2,814,846.53 ([Utilities Engineering Division] Purchasing and Contracts Division).
6. Approval of Amendment 2, Contract Y5-2062, Intergovernmental Transfer Program (IGT), with Central Florida Family Health Centers, Inc., in the amount of \$700,000 for a new contract amount of \$2,725,000 ([Health Services Division] Purchasing and Contracts Division).
7. Approval of Amendment 8, Contract Y5-163A, Janitorial Services for the Facilities Management East, 33rd Street, and Downtown Districts, with Age Wise, Inc., in the amount of \$152,565.25 for a new contract amount of \$5,019,778.18 ([Facilities Management Division] Purchasing and Contracts Division).

8. Ratification of Contract Y5-163E, Janitorial Services for the Facilities Management Central District, to the low responsive and responsible bidder, Age Wise, Inc., in the contract award amount of \$1,772,810.78 for a 2-year term ([Facilities Management Division] Purchasing and Contracts Division).
9. Approval and execution by the County Mayor of Second Amendment of Lease Agreement and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, between Weingarten Nostat, Inc., and Orange County for office space for Winter Park Traffic Court located at 450 Lakemont Drive, Winter Park, Florida, District 5 (Real Estate Management Division).
10. Approval and execution by the County Mayor of Distribution Easement and authorization to record instrument for Master Pump Station F3067, District 4 (Real Estate Management Division).
11. Approval and execution by the County Mayor of Subordination of Easement Interests and authorization to record instrument for S.R. 528, District 4 (Real Estate Management Division).
12. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Landstreet Road (Orange Blossom Trail to Orange Avenue), District 4 (Real Estate Management Division).
13. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Noah's Ark Self Storage aka Fairways Self Storage-Utility File No. 44246, District 4 (Real Estate Management Division).
14. Approval of Utility Easement and Subordinations of Encumbrances to Property Rights and authorization to record instruments for Solid Choice-Utility File No. 38925, District 4 (Real Estate Management Division).
15. Approval of Agreement, Utility Easement, Access Easement, Temporary Easement, Subordination of Encumbrances to Property Rights, and Acknowledgment and Consent to Property Rights and authorization to disburse check to pay all recording fees and record instruments for Conway Circle Pump Station, District 4 (Real Estate Management Division).
16. Approval of Change Order #4, to Sauer Incorporated, Contract Y5-725-SB, in the amount of \$93,118 for the Cooperative Extension Education Center project. The

revised lump sum contract amount will be \$6,103,906.56 (Capital Projects Division).

(As stated in the above motion, this item was deferred for discussion; see page 11 for subsequent approval.)

Community and Environmental Services Department

1. Approval of a Crime Prevention Grant Award as recommended by the Neighborhood Grants Advisory Board in the total amount of \$216, District 3 (Neighborhood Services Division).

(As stated in the above motion, this item was deferred for discussion; see page 12 for subsequent approval.)

2. Approval of the West Orange Trail Landscape Enhancement Agreement between Castle and Cooke, a Florida limited partnership, and Orange County, Florida, District 1 (Parks and Recreation Division).
3. Approval of the Transportation Partner Agreement for "The Club" Program between the Central Florida Regional Transportation Authority (dba LYNX) and Orange County, Florida, all districts (Parks and Recreation Division).
4. Approval to advertise Resolutions 2006-CED-227 through 2006-CED-249 for Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC06-392; LC06-479; LC06-480; LC06-372; LC06-401; LC06-502;  
 LC06-521; LC06-522; LC06-473; LC06-487; LC06-493; LC06-518;  
 LC06-362; LC06-499; LC06-506; LC06-515; LC06-367; LC06-476;  
 LC06-491; LC06-508; LC06-509; LC06-510; LC06-512;

all districts (Code Enforcement Division).

Growth Management Department

1. Approval to file Resolution 2006-BUI-02 for Satisfaction of Special Assessment Lien pursuant to Section 9-302 of the Orange County Code to recover costs associated with the demolition of an unsafe single-family residence, District 6 (Division of Building Safety).

2. Approval of the Modification of Agreement between the State of Florida Department of Community Affairs and Orange County Housing and Community Development Division for the Weatherization Assistance Program (WAP) and the Low-Income Home Energy Assistance Program (LIHEAP), all districts (Housing and Community Development Division).
3. Approval of the Orlando Urban Area Metropolitan Planning Organization FY 2006-2007 Funding Agreement between Orange County and METROPLAN Orlando to authorize payment in the amount of \$593,198.25 in two installments (\$296,599.13 and \$296,599.12) on a semiannual basis on October 1, 2006, and April 1, 2007, all districts (Planning Division).
4. Approval to process payment in the amount of \$239,991 to the East Central Florida Regional Planning Council for Orange County's 2006-2007 annual assessment, all districts (Planning Division).

(As stated in the above motion, this item was deferred for discussion; see page 12 for subsequent approval.)

#### Health and Family Services Department

1. Approval of Contract/Agreement for the First Amendment to the Lease between the Housing Authority of the City of Orlando and Orange County for the Reeves Terrace Head Start Program. There will be no cost to the County (Head Start Division).
2. Approval of Contract/Agreement for Disbursements of Appropriated Funds between the State of Florida Department of Agriculture and Consumer Services and the Orange County Board of County Commissioners. The State will provide funds not to exceed \$1,000,000 for the construction of the Cooperative Extension Education Center (Health and Family Services Department).

#### Public Safety

1. Approval of the Emergency Management Preparedness and Assistance (EMPA) Based Grant Agreement #07BG-04-06-58-01 for \$102,959 between Orange County and the State of Florida Department of Community Affairs Division of Emergency Management for Fiscal Year 2006-2007 (Fire Rescue Department).

## Public Works Department

1. Authorization to Record the Plat of Mount Dora Country Estates, District 2 (Development Engineering Division).
2. Approval to issue Change Order No. 2-PW to Contract No. Y5-732, Sherry Drive Erosion Control Improvements, Phase I to R.J.P. Enterprises, Inc., in the amount of \$67,662, District 2 (Highway Construction Division).
3. Approval to allocate \$259,196 as reimbursement to the Ranger Drainage District for replacement of 13 failed culverts within the Wedgefield Subdivision, District 5 (Roads and Drainage Division).
4. Approval of "Stop" sign installations in Tangerine Reserve, District 2 (Traffic Engineering Division).
5. Approval of a Road Impact Fee Agreement regarding an Alternative Traffic Impact Fee Calculation between Orange County and Pizzuti OWP, LLC, District 4 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion/correction; see page 13 for further action.)

6. Approval of a Road Impact Fee Agreement regarding an Alternative Traffic Impact Fee Calculation between Orange County and Wal-Mart Stores East, LP, District 4 (Traffic Engineering Division).

(As stated in the above motion, this item was deferred for discussion; see page 13.)

7. Approval to construct 3 speed humps on Kirk Street, District 6 (Traffic Engineering Division).
8. Approval of a new rate of \$2,800 for construction of speed humps, all districts (Traffic Engineering Division).

## Utilities Department

1. Approval of Amendment to Remediation Access Agreement between Busch Properties of Florida, Orange County, and Shaw Environmental, Inc., to conduct additional remediation at the Orangewood Wastewater Master Pump Station, District 1 (Water Reclamation Division).

2. Approval of the Utility Line Construction and Reimbursement Agreement between Sea World of Florida, Inc., and Orange County for replacement of and improvement to water and wastewater transmission mains near the Orangewood Wastewater Master Pump Station, District 1 (Engineering Division).

#### INFORMATIONAL ITEMS\*

##### County Comptroller

1. Receipt of the following items to file for the record:
  - a. Orange County Research and Development Authority (Central Florida Research Park) 2006-2007 budget.
  - b. Town of Windermere Ordinance 2006-09 annexing property located at 10820 Wonder Lane, Parcel ID 05-23-28-0000-00-019.

(Comptroller Clerk of the Board of County Commissioners)

2. Acknowledgment and filing of the Audit of the Orange County Tax Collector's Office Delinquent Tangible Personal Property Tax Collection Fund (Administrative/Fiscal Division).

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

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Proposal to locate Events Center on Universal Boulevard adjacent to the Convention Center.

County Mayor Crotty announced that this item has been deleted from the agenda.

Commissioner Jacobs joined the meeting.

Nonagenda-County Mayor Crotty recognized former County Chairman Linda Chapin in attendance.

Nonagenda-The County Mayor requested a report on the funding details in the proposed Community Facilities Agreement. Staff presented a report. Board discussion ensued; County Comptroller Haynie contributed to the discussion. No action was taken.

Commissioner Hartage left the meeting.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA CONTINUED

2. Approval and execution of the authorizing resolution for the issuance of Multi-Family Housing Revenue Bonds for the proposed development of Verde Apartments in downtown Orlando, Orange County, in an amount not to exceed \$115,000,000 (Orange County Housing Finance Authority).

Staff presented a report and requested approval of this item; Rich DiMarco, GDC Properties, contributed to the report. Board discussion ensued; Helen Feinberg, RBC Dain Rauscher, contributed to the discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; Commissioner Hartage was absent; the Board adopted Resolution 2006-B-10 approving the issuance of the Multi-Family Housing Revenue Bonds in an amount not to exceed \$115,000,000 for the proposed development of the Verde Apartments.

#### GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA

1. Myregion.org Update on Community Input Sessions, all districts (Planning Division).

Randy Lyon, Myregion.org, presented a report on this item; Board discussion ensued. No action was taken.

Commissioner Hartage rejoined the meeting.

#### PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. Road Impact Fee Update, all districts (Transportation Planning Division).

Staff presented a report and requested Board direction on this item; Board discussion ensued.

A motion by Commissioner Jacobs to direct staff to implement an interim fee update based on increased construction costs and hire a consultant to redo the Road Impact Fee Ordinance died for the lack of a second.

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with County Mayor Crotty and Commissioners Fernandez, Stewart,

Segal, and Hartage voting AYE by voice vote; Commissioners Jacobs and Sindler voting NO by voice vote; the Board directed staff to continue with the current fee schedule as adopted in April 2004; beginning the process to update the Road Impact Fee Ordinance mid 2007.

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
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy County Attorney Joel Prinsell
- Minutes Supervisor Kathleen Johnson

Commissioner Homer Hartage joined the meeting where indicated.

Presentation of Employee Service Awards to: Reed L. Mays (25), In-Custody Support, Corrections; Tommy K. Propst (30), Mark S. Rhame (25), Kenneth A. Burke (25), Operations, Fire Rescue; Michael Del Kelly (20), Joseph L. Woodbury (20), Roads and Drainage, Sandra Santana (20), Fiscal and Administration, Public Works; Nancy L. Dunn (30), Water Reclamation, Irene A. Taylor (20), Water, Utilities.

Presentation of National Association of Counties (NACo)/National Association of County Information Officers (NACIO) Awards

### COUNTY CONSENT AGENDA ITEMS DEFERRED

Administrative Services Department

16. Approval of Change Order #4, to Sauer Incorporated, Contract Y5-725-SB, in the amount of \$93,118 for the Cooperative Extension Education Center project. The revised lump sum contract amount will be \$6,103,906.56 (Capital Projects Division).

Commissioner Sindler requested that this item be deferred for more information.

Upon a motion by County Mayor Crotty, seconded by Commissioner Stewart, and carried with County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart, and Segal voting AYE by voice vote; Commissioner Sindler voting NO by voice vote; Commissioner Hartage was absent; the Board approved Change Order #4, to Sauer Incorporated, Contract Y5-725-SB, in the amount of \$93,118 for the Cooperative Extension Education Center project; and further, approved the revised lump sum contract amount of \$6,103,906.56.

Commissioner Hartage joined the meeting.

#### Community and Environmental Services Department

1. Approval of a Crime Prevention Grant Award as recommended by the Neighborhood Grants Advisory Board in the total amount of \$216, District 3 (Neighborhood Services Division).

Commissioner Sindler requested that this item be deferred for more information.

Staff presented a report; Board discussion ensued.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved a Crime Prevention Grant Award as recommended by the Neighborhood Grants Advisory Board in the total amount of \$216.

#### Growth Management Department

4. Approval to process payment in the amount of \$239,991 to the East Central Florida Regional Planning Council for Orange County's 2006-2007 annual assessment, all districts (Planning Division).

Commissioner Sindler requested that this item be deferred for more information.

Staff presented a report; Board discussion ensued.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved processing payment in the amount of \$239,991 to the East Central Florida Regional Planning Council for Orange County's 2006-2007 annual assessment.

## Public Works Department

5. Approval of a Road Impact Fee Agreement regarding an Alternative Traffic Impact Fee Calculation between Orange County and Pizzuti OWP, LLC, District 4 (Traffic Engineering Division).

Staff requested this item be deferred to make a correction to page 2, line 6, of the agreement as follows: Replace "Average Daily Trip (ADT) 1,152," with "Trip Generation Rate 2.31 per 1,000 square feet."

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 a Road Impact Fee Agreement regarding an Alternative Traffic Impact Fee Calculation between Orange County and Pizzuti OWP, LLC, with the revision as outlined by staff as follows:

- Page 2, line 6: Replace "Average Daily Trip (ADT) 1,152," with "Trip Generation Rate 2.31 per 1,000 square feet."

6. Approval of a Road Impact Fee Agreement regarding an Alternative Traffic Impact Fee Calculation between Orange County and Wal-Mart Stores East, LP, District 4 (Traffic Engineering Division).

Staff announced that this item has been deleted from the agenda.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MUNIRA K. ZAFAR; NO. 06-21, PORTION OF RIGHT-OF-WAY; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Munira K. Zafar, Zafar of Orlando, Petition to Vacate 06-21, to vacate a portion of a right-of-way known as Sixth Street, along with a portion of an alley lying north of Lake Street and east of South Apopka-Vineland Road, on property located at 11561 Commercial Street; multiple parcels located in District 1; Section 15, 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.

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 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 06-21 vacating a portion of a right-of-way known as Sixth Street, along with a portion of an alley on the above-described property.

ORDINANCE PUBLIC HEARING-AMENDING ORANGE COUNTY CODE OF ORDINANCES PERTAINING TO THE ORANGE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY

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

AN ORDINANCE AMENDING THE ORANGE COUNTY CODE OF ORDINANCES PERTAINING TO THE ORANGE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY; AMENDING SECTION 2-191 (CREATION, ORGANIZATION); UPDATING AGENCY MEMBERSHIP CATEGORIES; ADDING PROVISIONS RELATING TO THE SOUTH APOPKA ENTERPRISE ZONE; UPDATING LANGUAGE FOR CONSISTENCY WITH STATE LAW; AMENDING SECTION 2-192 (OPERATIONS); AMENDING AND EXPANDING THE POWERS AND RESPONSIBILITIES OF THE AGENCY FOR CONSISTENCY WITH STATE LAW; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff recommended that the public hearing be continued to allow staff to coordinate with the Membership and Mission Review Board.

No one appeared regarding the proposed ordinance.

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

Upon a motion by County Mayor Crotty, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the proposed ordinance amending the Orange County Code of Ordinances pertaining to the Orange County Enterprise Zone Development Agency until October 31, 2006, at 3 p.m.

Commissioner Jacobs left the meeting.

CABLE TELEVISION PUBLIC HEARING-AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA, AND ORLANDO TELEPHONE COMPANY GRANTING FRANCHISE

Notice was given that the Board of County Commissioners would hold a public hearing to consider an agreement granting an Orange County cable television franchise to Orlando Telephone Company, Inc., pursuant to Orange County Code, Section 12-11(D).

Staff reviewed the proposed agreement and outlined its provisions.

The County Mayor noted the Orlando Telephone Company representative present and in concurrence.

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

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all present members voting AYE by voice vote; Commissioner Jacobs was absent; the Board approved the agreement granting an Orange County cable television franchise to Orlando Telephone Company, Inc.

Commissioner Jacobs rejoined the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: TRACY SANDERS; SPRING HOLLOW PLANNED DEVELOPMENT-SPRING HOLLOW PHASE I PRELIMINARY SUBDIVISION PLAN; AMEND PLAN; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Tracy Sanders, Williams Construction Company, Spring Hollow Planned Development (PD)-Spring Hollow Phase I Preliminary Subdivision Plan (PSP), to amend the plan to increase the number of lots from 78 to 79 lots; pursuant to Orange County Code, Section 34-27; on property located at 16 Dingo Place; Parcel ID 21-20-28-8239-00-730; District 2; Sections 20 and 21, Township 20, Range 28; Orange County, Florida (the legal property description is on file).

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

Staff recommended adding the following condition: "Prior to platting, this lot shall be included in the Spring Hollow Phase I Homeowners' Association (HOA) and be made subject to the Covenants, Conditions, and Restrictions (CC&Rs) governing Spring Hollow Phase I, provided the Spring Hollow Phase I HOA legally accepts the inclusion of the lot

(according to the procedures set forth in the CC&Rs governing Spring Hollow Phase I) within 90 days of a written request from the owner of the lot."

The following persons addressed the Board:

- Tracy Sanders, the applicant
- Jerry Gilliard, area resident
- Cherie Connery, area resident
- Cherilee Williams, area resident
- Samuel Dade, subject property owner

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 continued the public hearing to consider a request by Tracy Sanders, Williams Construction Company, Spring Hollow Planned Development-Spring Hollow Phase I Preliminary Subdivision Plan, to amend the plan to increase the number of lots from 78 to 79 lots until October 31, 2006, at 3 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-MARDEN ROAD  
PLANNED DEVELOPMENT-MARDEN ROAD PSP, DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Marden Road Planned Development (PD)-Marden Road Preliminary Subdivision Plan (PSP), submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; this plan proposes the development of a 53.9-acre tract for 235 single-family dwelling units with a minimum living area of 1,000 square feet; on property generally located south of Ocoee-Apopka Road, east of Marden Road; Parcel IDs 21-21-28-0000-00-015 and 21-21-28-0000-00-027; District 2; Section 21, Township 21, Range 28; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Ben Shoemaker, for the developer.

Commissioner Sindler requested that the following condition be added: "At the time of platting Tracts A and C shall be conveyed to Orange County at no cost for open space and recreation."

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 approved the Marden Road Planned Development (PD)-Marden Road Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to Marden Road PD; Board of County Commissioners' (BCC) approvals; Marden Road PSP/Development Plan, dated "Received June 28, 2006"; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

This PSP approval automatically expires on October 3, 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 relief outfall, 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. The Covenants, Conditions, and Restrictions (CC&Rs) shall contain language notifying future property owners of the proximity of the Keene Road Landfill.
4. The CC&Rs shall include language that this site previously contained contaminated soil. It shall state that the soils were properly removed and disposed of per Excavation and Fill Permit 04-EF/MG2-284 for this site, as approved by the BCC. The CC&Rs shall also state that all wells shall be prohibited.
5. At the time of platting, documentation shall be provided from the Orange County School Board that this project is in compliance with the Capacity Enhancement Agreement.
6. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the

decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

7. At the time of platting, Tracts A and C shall be conveyed to the County at no cost for open space and recreation.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: COLETTE WHARTON, LAKE CYPRESS COVE PLANNED DEVELOPMENT-PHASES 2 AND 3 PRELIMINARY SUBDIVISION; AMEND PLAN; DISTRICT 1-CONTINUED FROM AUGUST 22, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Colette Wharton, Phoenicia Development, Lake Cypress Cove Planned Development (PD)-Phases 2 and 3 Preliminary Subdivision to remove the landscape berm and construct a wall on portions of the south and west property lines, and erect an ornamental fence on a portion of the east property line of the subdivision, continued from the August 22, 2006, Board meeting (the legal property description is on file).

and

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: COLETTE WHARTON, LAKE DAVIS RESERVE PRELIMINARY SUBDIVISION; AMEND PLAN; DISTRICT 1-CONTINUED FROM AUGUST 22, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Colette Wharton, Phoenicia Development, Lake Davis Reserve Preliminary Subdivision, to remove the landscape berm and construct a wall on the north, south, and west property lines of the gated community, continued from August 22, 2006, Board meeting (the legal property description is on file).

Staff explained that the public hearings were continued to hold a community meeting and to conduct further study regarding stormwater runoff. 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.

Staff recommended that the following condition be added to both requests: "The proposed wall shall be designed as not to interfere with the stormwater drainage."

The following person addressed the Board: Chris Roper, for the applicant.

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

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved the substantial change request by Colette Wharton, Phoenicia Development, Lake Cypress Cove Planned Development (PD)-Phases 2 and 3 Preliminary Subdivision to remove the landscape berm and construct a wall on portions of the south and west property lines, and erect an ornamental fence on a portion of the east property line of the subdivision; on the previously-described property; subject to the following conditions:

1. Development shall conform to the Lake Cypress Cove PD; Orange County Board of County Commissioners' (BCC) approvals; Phases 2 and 3 Preliminary Subdivision, dated "Received March 30, 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. All previous conditions of approval shall apply.
3. The proposed wall shall be designed as not to interfere with the storm water drainage.

and further, approved the substantial change request by Colette Wharton, Phoenicia Development, Lake Davis Reserve Preliminary Subdivision, to remove the landscape berm and construct a wall on the north, south, and west property lines of the gated community; on the previously-described property; subject to the following conditions:

1. Development shall conform to the Lake Davis Reserve Subdivision, dated "Received March 30, 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 any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.
2. All previous conditions shall apply.

3. The proposed wall shall be designed as not to interfere with the storm water drainage.

Commissioner Sindler left the meeting.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: MORGRAN COMPANY, INC.; MORGRAN PLANNED DEVELOPMENT-TRACTS 1 AND 5 PRELIMINARY SUBDIVISION PLAN/DEVELOPMENT PLAN; ECONLOCKHATCHEE RIVER; CLASS I WETLANDS PERMIT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Morgran Company, Inc., Morgran Planned Development-Tracts 1 and 5 Preliminary Subdivision Plan/Development Plan for a Conservation Area Impact Permit for a Class I Wetlands, Econlockhatchee River (the legal property description is on file).

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-MORGRAN PLANNED DEVELOPMENT (PD) AKA RESERVE AT ALAFAYA PD-TRACTS 1 AND 5 PSP/DEVELOPMENT PLAN-AND-RECREATION TRAIL DEVELOPER'S AGREEMENT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Morgran Planned Development (PD) aka Reserve at Alafaya PD-Tracts 1 and 5 Preliminary Subdivision Plan (PSP) and Recreational Trail Developer's Agreement, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; this plan proposes the development of a 116.51-acre tract for 184 single-family dwelling units; on property generally located west of Alafaya Trail, south of Curry Ford Road; Parcel ID 12-23-31-0000-00-001; District 4; Section 12, Township 23, Range 31; Orange County, Florida (the legal property description is on file).

Staff recommended that the public hearings be continued to resolve issues related to construction traffic and parks.

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

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

discussion.

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearings to consider:

- A request by Morgran Company, Inc., Morgran Planned Development (PD)-Tracts 1 and 5 Preliminary Subdivision Plan (PSP)/Development Plan for a Conservation Area Impact Permit for Class I Wetlands
- Morgran Planned Development (PD) aka Reserve at Alafaya PD-Tracts 1 and 5 Preliminary Subdivision Plan (PSP) on the above-described property

until October 31, 2006, at 2:30 p.m.

THE FOLLOWING 2 PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: MORGRAN COMPANY, INC.; MORGRAN PLANNED DEVELOPMENT-TRACTS 2 AND 3 PRELIMINARY SUBDIVISION PLAN/DEVELOPMENT PLAN; ECONLOCKHATCHEE RIVER; CLASS I WETLANDS PERMIT; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Morgran Company, Inc., Morgran Planned Development-Tracts 2 and 3 Preliminary Subdivision Plan/Development Plan for a Conservation Area Impact Permit for a Class I Wetlands, Econlockhatchee River (the legal property description is on file).

and

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-MORGRAN PLANNED DEVELOPMENT (PD) AKA RESERVE AT ALAFAYA PD-TRACTS 2 AND 3 PRELIMINARY SUBDIVISION PLAN/DEVELOPMENT PLAN; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Morgran Planned Development (PD) aka Reserve at Alafaya PD-Tracts 2 and 3 Preliminary Subdivision Plan (PSP), submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations; this plan proposes the development of a 187.04-acre tract for 181 single-family dwelling units; on property generally located west of Alafaya Trail, south of Curry Ford Road; Parcel ID 12-23-31-0000-00-008; District 4; Section 12, Township 23, Range 31; Orange County, Florida (the legal property description is on file).

Staff recommended that the public hearings be continued to resolve issues related to construction traffic and parks.

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

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

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote; Commissioner Sindler was absent; the Board continued the public hearings to consider:

- A request by Morgran Company, Inc., Morgran Planned Development-Tracts 2 and 3 Preliminary Subdivision Plan/Development Plan for a Conservation Area Impact Permit for Class I Wetlands.
- Morgran Planned Development (PD) aka Reserve at Alafaya PD-Tracts 2 and 3 Preliminary Subdivision Plan (PSP)

until October 31, 2006, at 2:30 p.m.

Commissioner Sindler rejoined the meeting.

Nonagenda-County Mayor Crotty recognized Florida State Senator Daniel Webster in attendance.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: FIRST BAPTIST CHURCH OF CENTRAL FLORIDA; ITEM VA-06-08-007, AUGUST 3, 2006; DISTRICT 1-CONTINUED FROM AUGUST 29, 2006

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by First Baptist Church of Central Florida of the recommendation of the Orange County Board of Zoning Adjustment, dated August 3, 2006, on a request by First Baptist Church of Central Florida to construct a lighted steel cross 199 feet in height in lieu of 35 feet in height, continued from the August 29, 2006, Board meeting.

Staff explained that the public hearing was continued at the applicant's request. 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:

- Reverend Clayton Cloer, the applicant
- Daniel Webster, area resident
- Catherine Armstrong, for the City of Ocoee

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 County Mayor Crotty and Commissioners Sindler, Fernandez, Stewart, Segal, and Hartage voting AYE by voice vote; Commissioner Jacobs voting NO by voice vote; the Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by First Baptist Church of Central Florida to construct a lighted steel cross 199 feet in height in lieu of 35 feet in height on the previously-described property.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 4:20 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

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

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