

## MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 1:35 p.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, October 24, 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
- Deputy County Administrator David Heath
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Invocation-Pastor Chris Willard, Discovery Church; and recognition of his daughter, Hannah Willard, the new Miss Florida Junior Teen

### Pledge of Allegiance

Presentation of proclamation designating the week of October 23 through October 31, 2006, as "Red Ribbon Week"

Nonagenda-Commissioner Stewart announced her office's drive for the collection of tennis shoes for needy children.

## COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board deleted County Administrator Item 6; and further, approved the balance of the County Consent Agenda items as follows: (See page 10 for failed motion to amend.)

### County Comptroller

1. Approval of the minutes of the September 19 and September 21, 2006, meetings of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Approval of the Disposition of Tangible Personal Property:
  - a. Scrap assets.
  - b. Convention Center to sell buses to Fire Rescue.

(Property Accounting Department)

3. 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:
  - October 6, 2006, to October 12, 2006; total of \$64,089,361.30
  - October 13, 2006, to October 19, 2006; total of \$32,341,608.43

(Finance and Accounting Department).

#### County Administrator

1. Approval and execution of service funding agreements between Orange County and Seniors First, Inc. (\$108,000), Orange County Bar Association, Inc.-Citizen Dispute Settlement Mediation Program (\$113,440), and the Legal Aid Society of the Orange County Bar Association, Inc. (\$790,848) (Office of Management and Budget).
2. Approval of the fiscal year 2006-2007 funding agreement between LYNX and Orange County for public transportation services (Office of Management and Budget).
3. Approval for the Orange County Sheriff's Office to spend \$130,992 from the Law Enforcement Trust Fund to provide eligible contributions to the Catholic Charities of Orlando, Inc. (\$1,000), Black Stallion Literacy Project (\$5,000), and for the purchase of equipment (\$124,992) (Office of Management and Budget).
4. Approval to disburse Community Redevelopment Agency (CRA) funds totaling \$21,680,885 to Orange County's 14 CRAs (Office of Management and Budget).
5. Approval and execution of a grant agreement between Orange County and the Black Business Investment Fund (BBIF) of Central Florida, Inc., and authorization to disburse \$180,172 to BBIF as provided in the FY 2006-07 Adopted Budget (Office of Management and Budget).
6. Approval and execution of a grant agreement between Orange County and the Hispanic Business Initiative Fund (HBIF) of Greater Orlando, Inc., and authorization to disburse \$163,909 to the HBIF as provided in the FY 2006-07 Adopted Budget (Office of Management and Budget).

(As stated in the above motion, this item was deleted from the agenda. See page 10 for failed motion to amend.)

7. Approval and execution of a grant agreement between Orange County and the Orlando Science Center, and authorization to disburse \$200,000 to the Orlando Science Center as provided in the FY 2006-07 Adopted Budget (Office of Management and Budget).

8. Approval of budget amendments 07-01 and 07-02 (Office of Management and Budget).

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

9. Approval of budget transfers 06-1901, 07C-9020, 07C-9039, 07C-9041, 07C-9042, 07C-9043, 07C-9044, 07C-9116, and 06C-9263 (Office of Management and Budget).

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

10. Approval of CIP amendments 07C-9020, 07C-9039, 07C-9041, 07C-9042, 07C-9043, 07C-9044, 07C-9116, and 06C-9263 (Office of Management and Budget).

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

11. Approval of payment of Intergovernmental claims of August 3, 2006; August 17, 2006; August 31, 2006; and September 7, 2006; totaling \$1,354,034.24 (Risk Management Division).

#### Administrative Services Department

1. Approval to award Invitation for Bids Y7-107-HF, Janitorial Supplies for Corrections, to the low responsive and responsible bidder, Peninsular Paper Company. The estimated contract award amount is \$195,908.58 for a 1-year term ([Corrections Department] Purchasing and Contracts Division).

2. Approval to award Invitation for Bids Y7-108-GJ, Uniform Rental and Laundry Services, to the low responsive and responsible bidder, Aramark Uniform Services, a division of Aramark Uniform & Career Apparel, Inc. The estimated contract award amount is \$234,514.80 for a 3-year term ([Water Reclamation Division] Purchasing and Contracts Division).

3. Approval to award Invitation for Bids Y7-113-GH, Water Watch and Mobile Irrigation Lab (MIL) Audit Program, to the low responsive and responsible bidder, Clear Water Products & Services, Inc. The estimated contract award amount is \$285,872 for a 1-year term ([Water Division] Purchasing and Contracts Division).
4. Approval to award Invitation for Bids Y7-116-GH, Refuse Container Service, to the low responsive and responsible bidder, Waste Management, Inc., of Florida. The estimated contract award amount is \$398,324 for a 1-year term ([Facilities Management Division] Purchasing and Contracts Division).
5. Approval to award Invitation for Bids Y6-1107-GH, Inspection and Testing of Fire Protection Systems, to the low responsive and responsible bidder, Southeast Fire Protection, LLC, dba East Coast Fire Protection. The estimated contract award amount is \$141,785 for a 1-year term ([Facilities Management Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bids Y6-784-PH, Animal Services Building 600 HVAC Installation, to the low responsive and responsible bidder, Air Ideal, Inc. The total contract award amount is \$219,000 ([Capital Projects Division] Purchasing and Contracts Division).
7. Approval to award Invitation for Bids Y6-785-SB, Orange County Sheriff Sector IV DUI Facility HVAC Replacement, to the low responsive and responsible bidder, Air Mechanical & Service Corporation. The total contract award amount is \$181,765 ([Capital Projects Division] Purchasing and Contracts Division).
8. Approval to award Contract Y7-2032, Funding for the Addictions Receiving Facility, with Human Service Associates at a contract award amount of \$264,852 for a 1-year term ([Citizens' Commission for Children Division] Purchasing and Contracts Division).
9. Approval to Renew Term of Contracts for various Human Services Contracts for 2 additional 1-year periods:

<u>Contract</u>	<u>Agency</u>	<u>Program</u>	<u>Funding</u>
Y7-2001	Adult Literacy League, Inc.	One-on-One and Small Group Tutoring	\$14,350
Y7-2002	American Red Cross of Central Florida, Inc.	Disaster Emergency Services	32,000

Y7-2003	Anthony House, Inc.	Emergency Transitional Housing	\$ 84,000
Y7-2004	Apostolic Worship Child Development Center, Inc.	Reading Counts Initiative	8,000
Y7-2005	Big Brothers/Big Sisters of Central Florida, Inc.	Site-Based Mentoring	6,293
Y7-2006	Catholic Charities of Orlando, Inc.	Emergency Family Assistance	31,400
Y7-2007	The Center for Drug Free Living, Inc.	Women's Residential II Treatment Program	146,571
Y7-2007		Adult Residential II Treatment Program	46,607
Y7-2007		Mental Health Counseling	33,345
Y7-2008	Center for Independent Living in Central Florida, Inc.	Deaf Services Community and Education	61,045
Y7-2009	Central Florida Police Athletic League, Inc.	PAL Program	45,069
Y7-2010	Children's Home Society, Inc. (CHS)	Crisis Nursery	44,520
Y7-2011	Coalition for the Homeless, Inc.	Residential Services	122,500
Y7-2011		Women's Residential Counseling Center (WRCC)	87,065
Y7-2013	Community Coordinated Care for Children, Inc.	Early Learning	163,926
Y7-2014	Community Health Centers, Inc.	Pediatric Expansion	78,250
Y7-2015	Community Service Center of Central Florida, Inc.	Families First	50,000
Y7-2000	Cuban American National Council (CNC)	ALPHA	70,000
Y7-2017	The Devereux Foundation, Inc.	Best KIDZ	19,200
Y7-2020	Foster Grandparent Program, Inc.	Foster Grandparent Program	33,250

Y7-2020		Foster Grandparent Program	\$ 12,097
Y7-2021	Freedom Ride, Inc.	Freedom Ride	15,000
Y7-2022	Golden Rule Foundations	Golden Rule	7,500
Y7-2023	Greater Reading or Writing Literacy Council, Inc.	Literacy/ESL	21,150
Y7-2024	Guardian Care, Inc.	Skilled Nursing Facility	33,123
Y7-2025	Harbor House	Emergency Services	126,000
Y7-2025		Outreach	54,820
Y7-2026	Health Care Center for the Homeless, Inc.	Primary Care Clinic	100,155
Y7-2028	Hispanic Resource Link, Inc.	Yo Si Puedo (Yes I Can)	12,000
Y7-2029	Hope and Help Center Of Central Florida, Inc.	Case Management and Peer Education Services	86,250
Y7-2030	Housing and Neighborhood Development Services of Central FL, Inc. (HANDS)	Housing Counseling	32,000
Y7-2031	Howard Phillips Center for Children and Families	The Healing Tree/ Sexual Trauma Recovery Center (Adult and Children)	98,477
Y7-2031		The Healing Tree/Sexual Trauma Recovery Center (Children)	25,000
Y7-2033	Jewish Family Services, Inc.	KIDSKONNECT	15,000
Y7-2034	Justice and Peace Office, Inc.	Kids in Motion	38,000
Y7-2035	Lakeside Behavioral Healthcare, Inc.	Children's Therapeutic	74,000
Y7-2037	LifeLine of Central Florida, Inc.	Adult Program	99,430
Y7-2037		Youth Program	30,344
Y7-2059	The Merlin House	Four Phase Recovery	48,000

Y7-2038	The Living Hope International Ministries, Inc.	Incarcerated Education	32,000
Total:			\$3,243,234

([Citizens' Commission for Children Division] Purchasing and Contracts Division).

10. Approval to Renew Term of Contracts for various Neighborhood Centers for Families and Related Programs Contracts for two additional 1-year periods ([Citizens' Commission for Children Division] Purchasing and Contracts Division).

<u>Contract</u>	<u>Agency</u>	<u>Program</u>	<u>Funding</u>
Y7-4000	Action	Apopka Services	\$ 26,638
Y7-4001	Boys and Girls Club of Central Florida	Neighborhood Center for Families	1,234,054
Y7-4002	The Center for Drug Free Living	Neighborhood Center for Families	1,671,798
Y7-4003	CHARLEE Family Care Services	Neighborhood Center for Families	333,778
Y7-4004	Christian Service Center for Central Florida	Neighborhood Center for Families	85,122
Y7-4005	The Devereux Foundation, Inc.	Neighborhood Center for Families	116,042
Y7-4006	Divine Individuals Developmental	Neighborhood Center for Families	146,571
Y7-4007	Every Kid Outreach	Neighborhood Center for Families	29,993
Y7-4008	Family and Friends United	Neighborhood Center for Families	41,281
Y7-4009	Goodwill Industries of Central Florida	Neighborhood Center for Families	391,615
Y7-4010	Orange County Health Department	Neighborhood Center for Families	226,032
Y7-4011	Orange County Public Schools	Neighborhood Center for Families	517,860
Y7-4012	Orange County Sheriffs Office	Neighborhood Center for Families	135,285
Y7-4013	Association to Preserve Eatonville Community	Neighborhood Center for Families	120,374
Y7-4014	Redeeming Light Community Services	Neighborhood Center for Families	56,376

Y74015	Central Florida Young Men's Christian Association	Neighborhood Center for Families	\$343,580
Y7-4016	Central Florida Young Men's Christian Association	Senior Coordinator-Lanthorne & Sims	33,189
Y7-4017	Boy and Girls Club of Central Florida	Management Agent-Anton & Desutels	147,290
Y7-4018	Central Florida Young Men's Christian Association	Management Agent-Hawkins, Holt & Rice	53,750
Y7-4019	University of Central Florida	Social Worker Interns	143,939
Y7-4020	Children's Home Society	Childcare-temporary	52,000
Y7-4021	Community Coordinated Childcare	Childcare	600,000
Y7-4022	Boy and Girls Club of Central Florida	After School Zone	1,677,000
Y7-4023	Central Florida Young Men's Christian Association	After School Zone	1,677,000
Y7-4024	Compact Orlando/Orange	Jones Mentor	43,000
Y7-4025	Teen Express at Orlando Healthcare	Medical	75,000
Y7-4026	Healthy Start	Counselors and Nurses	50,000
Y7-4027			
Y7-4028			
Y7-4029			
Y7-4030			
	Howard Phillips Seniors First, Inc.	CAC Program	25,000
	Foster Grandparents	Congregate	46,570
		W.P. Services	12,097
Total:			\$10,002,323

- Approval of Amendment 1, Contract Y7-2007, Drug Abuse Trust Fund, with The Center for Drug Free Living, Inc., in the amount of \$200,000 for a new total contract amount of \$426,523 ([Citizens' Commission for Children Division] Purchasing and Contracts Division).

12. Approval of Amendment 3, Contract Y5-105, Temporary Labor-Television Production Assistance, with TAC Worldwide Companies, in the amount of \$65,000 for a new estimated contract amount of \$573,343 ([Orange TV] Purchasing and Contracts Division).
13. Approval and execution by the County Mayor of Sub-Lease Agreement between RDV Sportsplex, Inc., Adventist Health Systems/Sunbelt, Inc., and Orange County for office space for Fire Rescue Fit Testing located at 8701 Maitland Boulevard, Orlando, Florida, District 2 (Real Estate Management Division).
14. Approval of Utility Easement and Subordination of Encumbrances to Property Rights and authorization to record instruments for Iglesia Cristiana-Utility File No. 38725, District 3 (Real Estate Management Division).

Community and Environmental Services Department

1. Approval of a modification to the Conservation Area Impact Permit Number 06-048 for Stillwater Crossing (formerly 01-021, Park Square Enterprises, Inc.), District 1 (Environmental Protection Division).
2. Approval of a 1-year extension of the Shoreline Alteration/Dredge and Fill Permit for the Falcon Village Center Partners (Bridgewater/Stillwater Crossings), District 1 (Environmental Protection Division).
3. Approval to file by resolution 2006-CEDD-014 Satisfaction of Special Assessment Lien for unsafe structure abatement pursuant to County Ordinance 2000-04:

<u>District</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
6	4911 La Grange Avenue	2002-CEDD-027	Altamonte Lodges, Inc.	\$3,844.04

(Code Enforcement Division).

Growth Management Department

1. Approval of the Hold Harmless and Indemnification Agreement between Orange County, James W. Harden, and Karen S. Napier to construct a single-family residence and pool with decking located at 9078 Ron Den Lane, Windermere, Florida, District 1 (Zoning Division).

2. Approval of a Hold Harmless and Indemnification Agreement between Orange County and David Brasch (property owner) regarding Parcel ID: 24-23-27-7808-00-061 to remodel and construct an addition to a single-family residence 46 feet from normal high water elevation of Lake Butler, District 1 (Zoning Division).

#### Health and Family Services Department

1. Approval of the modified Certificate of Public Convenience and Necessity for Winter Garden Fire Department to provide Advance Life Support Transport Services. The term of this certificate is from October 31, 2006, through October 31, 2008. There is no cost to the County (Emergency Medical Services Office of the Medical Director).

#### Public Safety

1. Approval of the amended Interlocal Agreement for Dispatch Services between Orange County and the City of Maitland (Fire Rescue Department).

#### Public Works Department

1. Authorization to record the Plat of Best American Business Park, District 4 (Development Engineering Division).
2. Approval of "Stop" sign installations in Grande Pines, District 1 (Traffic Engineering Division).
3. Approval to establish a "No Parking from 7:30 a.m. to 3 p.m. Monday to Friday" zone on both sides of Delridge Avenue between Edgewater Drive and Grant Avenue, District 2 (Traffic Engineering Division).
4. Approval to install a "No Parking between 8 a.m. to 9:30 a.m. and 3 p.m. to 4:30 p.m. Monday to Friday and 2 p.m. to 3:30 p.m. Wednesday" zone on both sides of Killington Way from Addison Court to Frangus Elementary School property line, District 6 (Traffic Engineering Division).
5. Approval to install a "No Parking" zone on the north side of Landstreet Road beginning 330 feet west of South Orange Blossom Trail and extending 330 feet, District 6 (Traffic Engineering Division).
6. Approval to construct 3 speed humps on Eggleston Avenue, District 5 (Traffic Engineering Division).

7. Approval to construct speed humps on Le Havre Boulevard, Chateau Road, Charleen Terrace, and San Jose Boulevard, District 6 (Traffic Engineering Division).
8. Approve the installation of a Traffic Signal at the intersection of Lake Underhill Road and Waterford Chase Parkway, District 4 (Traffic Engineering Division).

#### Utilities Department

1. Approval of Commercial Refuse License for A & F Waste Services, Inc., to provide solid waste hauling services to commercial generators in Orange County, all districts (Solid Waste Division).

#### INFORMATIONAL ITEMS\*

#### County Comptroller

1. Receipt of the following file for the record documents:
  - a. Florida Public Service Commission notice of hearing re: petition to recover 2005 tropical system-related costs and expenses by BellSouth Telecommunications, Inc.
  - b. Florida Public Service Commission notice of hearing and prehearing re: petition to recover natural gas project storage costs through the fuel cost recovery clause.
  - c. Minutes of the May 31, 2006, meeting of the Board of Supervisors of the Stoneybrook West Community Development District.
  - d. Greater Orlando Aviation Authority budget for fiscal year 2006-2007.
  - e. Orange Soil and Water Conservation District public meetings schedules and district map for fiscal year 2006-2007.
  - f. Bonnet Creek Resort Community Development District public meetings schedule for fiscal year 2006-2007.
  - g. Urban Orlando Community Development District public meetings schedule for fiscal year 2007.
  - h. Vista Lakes Community Development District public meetings schedule for fiscal year 2007.
  - i. Greenway Improvement District Annual Financial Audit Report for the fiscal year ended September 30, 2005.
  - j. City of Orlando ordinance notice annexing ±0.69 acres located north of Wilson Avenue, south of Cumbie Avenue, east of Taft Avenue, and west of Coolidge Avenue.

- k. City of Orlando ordinance notice annexing ±11.2 acres located at the northwest corner of Boggy Creek Road and Narcoossee Road.
- l. City of Orlando ordinance annexing ±0.16 acres located north of Cornell Avenue, south of Jewell Avenue, east of Formosa Avenue, and west of Interstate 4; and addressed as 2017 Cornell Avenue (ordinance number not given).
- m. City of Orlando ordinance annexing ±11.2 acres located at the northwest corner of Boggy Creek Road and Narcoossee Road (ordinance number not given).
- n. City of Winter Garden Ordinance 06-29, annexing 0.41 acres located at 21 and 35 Broad Street.

(Comptroller Clerk of the Board of County Commissioners)

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

A motion by Commissioner Hartage, seconded by Commissioner Sindler, with Commissioners Hartage and Sindler voting AYE by voice vote; County Mayor Crotty and Commissioners Jacobs, Fernandez, Stewart and Segal voting NO by voice vote; to amend the main motion for the Consent Agenda's approval to include County Administrator Item 6 failed.

#### ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of 1 firm and 2 ranked alternates to provide Engineering Services for Park Manor Estates Water and Wastewater System Improvements, Request for Proposals Y6-815-PH ([Utilities Engineering Division] Purchasing and Contracts Division).

Staff stated that Commissioner Sindler attended the September 20, 2006, Procurement Review Committee meeting for the selection of 1 firm and 2 ranked alternates to provide Engineering Services for Park Manor Estates Water and Wastewater System Improvements, Request for Proposals Y6-815-PH, from the following firms listed alphabetically:

- Barnes Ferland and Associates
- Carter & Burgess, Inc.
- HDR Engineering, Inc.
- Inwood Consulting, Inc.
- Malcolm Pirnie, Inc.
- Neel-Schaffer, Inc.

- Rockett & Associates, Inc.
- Tetra Tech, Inc.

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board selected 1 firm:

- HDR Engineering, Inc.

and 2 ranked alternates:

- #1 Malcolm Pirnie, Inc.
- #2 Carter & Burgess, Inc.

and further, authorized staff to enter into contract negotiations to provide Engineering Services for Park Manor Estates Water and Wastewater System Improvements, Request for Proposals Y6-815-PH.

2. Selection of 1 firm and 2 ranked alternates to provide Final Engineering Design Services for Econlockhatchee Trail, Request for Proposals Y6-816-DB ([Public Works Engineering Division] Purchasing and Contracts Division).

Staff stated that Commissioner Sindler attended the September 27, 2006, Procurement Review Committee meeting for the selection of 1 firm and 2 ranked alternates to provide Final Engineering Design Services for Econlockhatchee Trail, Request for Proposals Y6-816-DB, from the following firms listed alphabetically:

- Dyer, Riddle, Mills, and Precourt, Inc.
- Lochrane Engineering, Inc.
- URS Corporation

Upon a motion by Commissioner Sindler, seconded by Commissioner Jacobs, and carried with all members present and voting AYE by voice vote, the Board selected 1 firm:

- URS Corporation

and 2 ranked alternates:

- #1 Dyer, Riddle, Mills, and Precourt, Inc.
- #2 Lochrane Engineering, Inc.

and further, authorized staff to enter into contract negotiations to provide Final Engineering Design Services for Econlockhatchee Trail, Request for Proposals Y6-816-DB.

OCTOBER 5, 2006, BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Board of Zoning Adjustment under date of October 5, 2006, subject to the usual right of appeal by any aggrieved party.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: LISA REMBERT; NO. 06-25, PORTION OF DRAINAGE AND UTILITY EASEMENT; DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Lisa Rembert, Petition to Vacate 06-25, to vacate 20 feet of a 30-foot-wide drainage and utility easement, on property generally located north of Old Winter Garden Road and east of Good Homes Road; Parcel ID 27-22-28-4052-04-220; District 6; Section 27, Township 22, 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 Hartage, 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 06-25 vacating 20 feet of a 30-foot-wide drainage and utility easement on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: WILLIAM R. JORDAN, INDEPENDENCE RV SALES & SERVICE, INC.; NO. 06-30, PORTION OF RIGHT-OF-WAY AND UTILITY EASEMENT; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by William R. Jordan for Independence RV Sales & Service, Inc., Petition to Vacate 06-30, to vacate a portion of an unnamed remnant right-of-way and a

5-foot utility easement, on property generally located south of West Colonial Drive and west of Avalon Road; multiple parcels located in District 1; Section 29, Township 22, 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.

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 06-30 vacating a portion of an unnamed remnant right-of-way and a 5-foot utility easement on the above-described property.

BOARD OF ZONING ADJUSTMENT APPEAL-APPELLANT/APPLICANT: WILLIAM FOGLE/ROBERT ZLATKISS; ITEM VA-06-09-006, SEPTEMBER 7, 2006; DISTRICT 5

Notice was given that the Board of County Commissioners would sit as a Board of Appeal to consider an appeal by Robert Zlatkiss of the recommendation of the Board of Zoning Adjustment (BZA), dated September 7, 2006, on a request by William Fogle, Civil Design Group, for a variance in R-1AA (single-family-10,000-square-foot lots) zone to construct 2-story addition to single-family residence 0 feet from side property line on east in lieu of 10 feet. The property is generally located on the south side of Orange Lake Drive, south of University Boulevard; Parcel ID 12-22-30-4511-00-100; District 5; Section 12, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff stated the applicant has requested a continuance to further resolve issues.

The following person addressed the Board: Henry Meyer, area resident.

Upon a motion by Commissioner Segal, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Robert Zlatkiss for a variance in R-1AA (single-family-10,000-square-foot lots) zone to construct 2-story addition to single-family residence 0 feet from side property line on east in lieu of 10 feet until November 28, 2006, at 3 p.m.

NOTE: THE FOLLOWING 2 ITEMS WERE HEARD TOGETHER.

ORDINANCE PUBLIC HEARING-APPLICANT: DUKE WOODSON, INTERNATIONAL CORPORATE PARK (ICP) DEVELOPMENT OF REGIONAL IMPACT, LLC; CASE 2005-1-D-4-1; ORDINANCE AMENDING ORANGE COUNTY CODE; DISTRICT 4-CONTINUED FROM MAY 9, JUNE 27, AND SEPTEMBER 12, 2006

By consensus, the Board reopened the public hearing to consider the proposed ordinance amending Orange County Code regarding International Corporate Park (ICP) Development Of Regional Impact, LLC; Case 2005-1-D-4-1; continued from the May 9, June 27, and September 12, 2006, Board meetings.

and

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: DUKE WOODSON, INTERNATIONAL CORPORATE PARK (ICP) PLANNED DEVELOPMENT/ DEVELOPMENT OF REGIONAL IMPACT/LAND USE PLAN (PD/DRI/LUP); AMEND LUP/NOTICE OF PROPOSED CHANGE TO DRI/SECOND AMENDED AND RESTATED DEVELOPMENT ORDER; DISTRICT 4-CONTINUED FROM MAY 9, JUNE 27, AND SEPTEMBER 12, 2006

By consensus, the Board reopened the public hearing to consider a substantial change request by Duke Woodson, Foley & Lardner, LLP, International Corporate Park Planned Development/Development of Regional Impact (PD/DRI); to consider a Notice of Proposed Change to the DRI to amend the Land Use Plan (LUP) to reduce existing Industrial uses in exchange for Retail, Residential (Single and Multi-family), Civic, Research Park, School, and Office uses; and authorization for the County Mayor to execute the Second Amended and Restated Development Order; pursuant to Orange County Code, Section 38-1207; continued from the May 9, June 27, and September 12, 2006, Board meetings (the legal property description is on file).

Staff stated that these public hearings were continued to resolve outstanding school issues. Staff stated the applicant has requested another continuance.

No one appeared regarding the request.

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

Upon a motion by Commissioner Fernandez, seconded by County Mayor Crotty, and carried with all members present and voting AYE by voice vote, the Board continued the public hearings to consider:

- An ordinance amending Orange County Code regarding International Corporate Park Development of Regional Impact and a request by
- Duke Woodson, Foley & Lardner, LLP; International Corporate Park Planned Development/ Development of Regional Impact (PD/DRI); to consider a Notice of Proposed Change to the DRI to amend the Land Use Plan (LUP) to reduce existing Industrial uses in exchange for Retail, Residential (Single and Multi-family), Civic, Research Park, School, and Office uses;
- Authorization for the County Mayor to execute the Second Amended and Restated Development Order;

until December 5, 2006, at 3:30 p.m.

ORDINANCE PUBLIC HEARING-ENACTING ORANGE COUNTY CODE GRANTING PETITION FOR ESTABLISHMENT OF PALAZZO DEL LAGO COMMUNITY DEVELOPMENT DISTRICT (CDD) -AND- AGREEMENT FOR CDD BETWEEN THE COUNTY AND PALAZZO DEL LAGO, LLC, -AND- INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND PALAZZO DEL LAGO CDD, DISTRICT 1

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR ORANGE COUNTY FLORIDA, CREATING THE "PALAZZO DEL LAGO COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR THE APPLICABLE FILING FEE; PROVIDING FOR AN INTERLOCAL AGREEMENT; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR REPEAL IN THE ABSENCE OF BONDS BEING ISSUED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A court reporter, Lyssa D. Urban, Orange Reporting, was present.

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

The following persons addressed the Board:

- Fred Leonhardt, for the applicant
- Henry Fishkind, for the applicant
- Steve Zucher, for the applicant
- Belinda Ortiz, area resident

Commissioner Sindler requested the agreement be revised as follows: Page 18, paragraph 1, to read as follows: "The District waives its right to challenge the Orange County Property Appraiser's determinations with respect to the taxability for ad valorem tax purposes of the 500 public parking spaces designated for use by the public within any 1 or more parking garages located within the boundaries of the District."

The County Mayor accepted the following exhibits from Mr. Zuker:

- Clerk's Exhibit 1, proof of publication for notice of public hearing
- Composite Clerk's Exhibit 2, affidavits of testimony

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 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 adopted Ordinance 2006-17 enacting Orange County Code granting petition for establishment of Palazzo Del Lago Community Development District (CDD); further, approved an Agreement for a CDD between Orange County and Palazzo Del Lago, LLC; and further, approved an Interlocal Agreement between Orange County and Palazzo Del Lago CDD, creating the Palazzo del Lago CDD to include the following revised language on page 18, paragraph 1, to read as follows: "The District waives its right to challenge the Orange County Property Appraiser's determinations with respect to the taxability for ad valorem tax purposes of the 500 public parking spaces designated for use by the public within any 1 or more parking garages located within the boundaries of the District."

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: CITY OF ORLANDO, BALDWIN PARK-S.R. 436 CONNECTOR ROAD, CLASS I WETLANDS PERMIT, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by the City of Orlando for a Conservation Area Impact Permit to impact 0.90 acres of Class I wetlands in order to construct portions of the S.R. 436

Connector Road on property generally located on S.R. 436, just north of Hanging Moss Road; Parcel ID 16-22-30-0000-00-026; District 4; Section 16, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff outlined the request; identified the subject property; and further, recommended approval subject to conditions.

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 Fernandez, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the request by the City of Orlando for a Conservation Area Impact Permit for Class I Wetlands, on the above-described property; subject to the following conditions:

General Conditions:

1. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
2. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
3. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.

4. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
5. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
6. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.
7. The permittee shall notify the EPD in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
8. The EPD staff, with proper identification, shall have permission to enter, inspect, sample, and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
9. The permittee shall hold and save the County harmless from any and all damages, claims, or liabilities, which may arise by reason of the activities authorized by the permit.
10. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
11. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
12. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

13. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the State of Florida Department of Environmental Protection under 62-4.242(2) FAC.
14. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
15. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact and shall be done to the satisfaction of the EPD.
16. For 1 acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) to use a Construction General Permit (CGP) for stormwater discharges shall be completed and sent to the State of Florida Department of Environmental Protection and copied to the EPD NPDES Administrator prior to start of construction.
17. This permit will expire 1 year from issuance date.

CONSERVATION AREA DETERMINATION APPEAL PUBLIC HEARING-  
APPELLANTS/APPLICANTS: GERMAN BRITTO AND CLAUDIA CARDENAS,  
DISTRICT 4-CONTINUED FROM JULY 18 AND SEPTEMBER 12, 2006

By consensus, the Board reopened 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, continued from the July 18 and September 12, 2006, Board meetings (the legal property description is on file).

Staff outlined the request; identified the subject property; and further, recommended approval subject to conditions.

The following persons addressed the Board:

- German Britto, the applicant
- Jerry Wood, for the applicant
- Steven Rich, for the applicant
- Kevin Rohe
- Chris Teel
- William Moore
- Robert Bellamy

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 County Mayor Crotty and Commissioners Jacobs, Fernandez, and Stewart, voting AYE by voice vote; Commissioners Sindler, Segal, and Hartage voting NO by voice vote; the Board upheld the February 28, 2006, decision of the Orange County Environmental Protection Division on a Conservation Area Determination and accepted the Class Determination and landward extent of wetland as determined by staff and presented to the Board of County Commissioners on October 24, 2006; and further, directed that mitigation will be onsite.

A motion by Commissioner Hartage to support Engineers CAD line; and further, eliminate the fines failed for lack of a second.

PRELIMINARY ENGINEERING STUDY (PES) PUBLIC HEARING-FIQUETTE/PORTER ROAD (INCLUDES FICQUETTE, PORTER, REAMS, LAKE HANCOCK, AND MCKINNY ROADS IN ORANGE COUNTY), DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a Preliminary Engineering Study for Fiquette/Porter Road (includes Fiquette, Porter, Reams, Lake Hancock, and McKinny Roads) in Orange County, District 1 (the legal property description is on file).

Staff outlined the results of the study and stated that the Planning and Zoning Commission recommended acceptance of this item.

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 made a finding of consistency with the Comprehensive Policy Plan; and further, accepted the Preliminary Engineering Study for Fiquette/Porter Road (includes Fiquette, Porter, Reams, Lake Hancock, and McKinny Roads).

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 6:10 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

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County Mayor

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

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