

## MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9:05 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, February 13, 2007. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, and Tiffany Moore
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Minutes Supervisor Kathleen Johnson

Invocation-Executive Pastor Cornell King, The Life Center Church

Pledge of Allegiance

Presentation by the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding the Fish Orlando Program

Presentation of proclamation designating the week of February 17 through 24, 2007, National Engineers Week and February 24, 2007, as Central Florida Engineers Day

Presentation of proclamation designating the month of February as Black History Month

## COUNTY CONSENT AGENDA

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board:

- Deferred County Comptroller Consent Item 2 for correction (see page 9 for subsequent approval)
- Deleted Community and Environmental Services Consent Item 1

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

County Comptroller

1. Approval of the revised minutes of the November 29, 2005, Board of County Commissioners meeting, for Privately Initiated Future Land Use Map Amendment 2005-2-A-2-5 in the name of Manuel Cordero on pages 127 and 128 as follows:

The following language on page 127:

"Staff reviewed the request and noted the Local Planning Agency recommended adoption to Low Density/Residential/Commercial"

should read:

"Staff reviewed the request and noted the Local Planning Agency recommended adoption with a Future Land Use Designation of Office."

The subsequent motion on page 128:

"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 Amendment 2005-2-A-2-5, with a Future Land Use Designation of Low Density/Residential/Commercial"

should read:

"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 Amendment 2005-2-A-2-5 with a Future Land Use Designation of Planned Development-Office."

(Comptroller Clerk of the Board of County Commissioners)

2. Approval of the minutes of the January 9, 2007, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

(As stated in the above motion, this item was deferred for correction; see page 9 for subsequent approval.)

3. Approval of the Disposition of Tangible Personal Property:
  - a. Scrap assets.
  - b. Trade in an asset for an allowance towards the lease of new equipment.
  - c. Transfer assets to the Winter Garden Fire Department through an approved interlocal agreement.
  - d. Return an asset to the vendor for a full refund.
  - e. Sell assets through public auction.

(Property Accounting Department)

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:
  - January 26, 2007, to February 2, 2007; total of \$37,972,704.84
  - February 2, 2007, to February 8, 2007; total of \$29,107,845.38

(Finance and Accounting Department).

County Administrator

1. Approval for the Orange County Sheriff's Office to spend \$1,250 from the Law Enforcement Trust Fund to provide eligible contributions to the House of Hope, Inc., and \$1,000 to Salvation Army Women and Children's Center (Office of Management and Budget).
2. Approval of payment of Intergovernmental claims for November 9, 2006; November 16, 2006; November 30, 2006; December 14, 2006; and December 21, 2006; totaling \$1,665,837.37 (Risk Management Division).
3. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments/reappointments:
  - a. Agricultural Advisory Board: Reappointment of Teresa Johannessen in the at large representative category with a term expiring December 31, 2008.
  - b. Building Codes Board of Adjustments and Appeals: Appointment of Robert C. Mahoney to succeed Bryan Henry Williams in the roofing contractor category with a term expiring December 31, 2008.
  - c. Children and Family Services Board: Appointment of Patricia A.R. Howard to succeed Dana C. Loncar in the at large representative category with a term expiring December 31, 2007.
  - d. Public Works Advisory Board: Appointment of Zan C. Bates to succeed Richard Galen Acree in the geotechnical discipline representative category and Eddy Solon to succeed Kristi D. Camera in the at large representative category with terms expiring June 30, 2008, and the appointment of William F. Peak to succeed Vernice Atkins-Bradley in the general consulting disciplines representative category and Matthew L. Forbes to succeed Edmund P. Hampden in the development industry representative category with terms expiring June 30, 2007.

(Agenda Development Office)

4. Confirmation of Commissioner Stewart's reappointment of Catherine Johnson and appointment of Randolph Carl Coleman to succeed Rebecca Pavlik on the Lake Jessamine Water Advisory Board with terms expiring December 31, 2008 (Agenda Development Office).
5. Approval to award Invitation for Bids Y7-164-PD, Landscape Management for Orange County Roads and Drainage Division, to the low responsive and responsible bidder, Golden Hills Landscape, Inc. The estimated contract award amount is \$2,391,644 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
6. Approval to award Invitation for Bids Y7-170-J2, Term Contract for Small Construction-Drainage Structures, Piping, and Curb Work, to the low responsive and responsible bidder, Schuller Contractors, Inc. The estimated contract award amount is \$2,046,315 for a 1-year term ([Roads and Drainage Division] Purchasing and Contracts Division).
7. Approval of Renewal and Upgrade of Software Support and Licensing Agreement for IBM Products and Systems, with IBM Corporation, at a contract award amount of \$240,612 for a 1-year term ([Information Systems and Services Division] Purchasing and Contracts Division).
8. Approval of Amendment 5, Contract Y3-820, for Professional Architectural/Engineering Services for the Cooperative Extension Center, with Kha Le-Huu & Partners, P.A., in the amount of \$87,665 for a new contract amount of \$626,277.38 ([Capital Projects Division] Purchasing and Contracts Division).
9. Approval of Contract Y6-813-JC, Design Services for the East Orange Environmental Center, with Rhodes + Brito Architects, Inc. The total contract award amount is \$187,000 ([Capital Projects Division] Purchasing and Contracts Division).

County Attorney

1. Approval of the Mediated Settlement Agreement of the amount of \$412,500 as full compensation for the landowners, Christine A. Barnhart and Robert A. Vukovich as Plenary Co-Guardians of Peter M. Moeller, the amount of \$58,900 for payment of the owners' attorney's fees; and the amount of \$23,125 for the owners' experts' fees and costs in the case of *Orange County v. George T. Stewart, Jr., et al.*, Case No. 05-CA-5314; Parcels: 803, 803A, 903, Project: Rock Springs Road. Approval for the entry by the Court of the Stipulated Final Judgment for Parcels 803, 803A,

903. Approval of the warranty deed and authorization to pay all the closing costs and perform all actions necessary and incidental to closing.

2. Approval and execution of the Utility Easement which grants James W. Dollar and Kenlyn J. Dollar and their successors access to the lift station that is now located in Orange County's right-of-way for Forsyth Road.

#### Administrative Services Department

1. Approval and execution by the County Mayor of Resolution and authorization to initiate condemnation proceedings for Clarcona-Ocoee Road (Ocoee-Apopka Road to Hiawassee Road), Districts 1 and 2 (Real Estate Management Division).
2. Approval and execution by the County Mayor of the following:
  - Termination of Easement between Orange County and South Orange Properties, Inc.
  - Non-Exclusive Drainage Easement and Joint Utilization Agreements between Orange County and South Orange Properties, Inc.; and Kathie E. Yates, Tommy E. Yates, Gary C. Yates, and Glen L. Yates, in their individual capacities, as personal representatives of the estate of Eloise Yates, Deceased, and as personal representatives of the estate of Claude L. Yates, Deceased
  - Temporary Construction Easement Agreements between Orange County and The School Board of Orange County, Florida; South Orange Properties, Inc; Wetherbee Ventures, LLC; and Kathie E. Yates, Tommy E. Yates, Gary C. Yates, and Glen L. Yates, in their individual capacities, as personal representatives of the estate of Eloise Yates, Deceased, and as personal representatives of the estate of Claude L. Yates, Deceased
  - Permanent Fill Slope Easement Agreements between Orange County and The School Board of Orange County, Florida; South Orange Properties, Inc; Wetherbee Ventures, LLC; and Kathie E. Yates, Tommy E. Yates, Gary C. Yates, and Glen L. Yates, in their individual capacities, as personal representatives of the estate of Eloise Yates, Deceased, and as personal representatives of the estate of Claude L. Yates, Deceased
  - Special Warranty Deeds and Subordinations of Encumbrance to Grant of Property Rights and authorization to perform all actions necessary and

incidental to closing for Wetherbee Road-Phase II (Landstar Boulevard to Harness Track Property)

District 4 (Real Estate Management Division).

3. Approval of Utility Easement and authorization to record instrument for Harbor Federal Bank at Andover Lakes Utility File No. 38809, District 4.

#### Community and Environmental Services Department

1. Approval of the Joint Participation Agreement Amendment #1 between Orange County and the State of Florida Department of Transportation for the partial funding of the Lisa Waterway Sediment-Nutrient Removal Structure Project, District 4 (Environmental Protection Division).

(As stated in the above motion, this item was deleted from the agenda.)

2. Approval of the State Financial Assistance Agreement No. LP6745 between Orange County and the State of Florida Department of Environmental Protection for the Little Wekiva Water Quality Improvement Initiative in the amount of \$825,000, Districts 2 and 6 (Environmental Protection Division).
3. Approval of Amendment #1 to the State Financial Assistance Agreement No. LP6044 (State Revolving Fund Amendment 1 to Grant Assistance Agreement) between Orange County and the State of Florida Department of Environmental Protection for a one-year extension for the Orange Avenue Canal/Lake Mary Jess Stormwater Improvement Project, District 4 (Environmental Protection Division).
4. Approval of the Cost-Share Agreement No. 4600000544 (Local Governmental Agreement) between Orange County and the South Florida Water Management District for partial funding of the Upper Shingle Creek and Western Boggy Creek Drainage Basin Studies, the Lake Tyler Sediment Removal Structure, and the Lake Hart Hydrologic and Vegetative Wetland Restoration Project; and authorization for the Environmental Protection Officer to sign the Work Orders associated with this agreement, Districts 1, 4, and 6 (Environmental Protection Division).

#### Health and Family Services Department

1. Approval of the application to license the East Orange Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).

2. Approval of the application to license the Reeves Terrace Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
3. Approval of the application to license the Southwood Head Start Center between the State of Florida Department of Children and Families and Orange County. This application is only executed by Orange County (Head Start Division).
4. Approval of the Alternative Transportation Services License for Ambumed FL Corp., to provide wheelchair/stretchers services. The term of this certificate is from February 1, 2007, through February 1, 2009. There is no cost to the County (EMS Office of the Medical Director).

#### Public Works Department

1. Approval of the Sand Lake Estates Preliminary Subdivision Tree Mitigation Plan, District 1 (Public Works Department).
2. Approval of the Agreement between Orange County and Waterford Chase East Homeowners' Association, Inc., for traffic law enforcement on private roads in the gated community of Eagles Hammock at Waterford Chase East, District 4 (Public Works Department).
3. Approval of the Agreement between Orange County and Waterford Chase East Homeowners' Association, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Glenmore Chase at Waterford Chase East, District 4 (Public Works Department).
4. Approval of the Interlocal Agreement between Orange County, Florida, and City of Orlando, Florida, regarding the Transfer of Jurisdiction of Bumby Avenue and Lake Como Circle from Hand Boulevard to Anderson Street, District 4 (Public Works Department).
5. Authorization to record the Plat of Isleworth Business Centre, District 1 (Development Engineering Division).
6. Authorization to record the Plat of Correct Craft, District 4 (Development Engineering Division).

7. Authorization to record the Plat of Fire Station No. 77, District 4 (Development Engineering Division).
8. Approval to install "No Parking" zone on the odd numbered side of Battery Pointe Drive, District 4 (Traffic Engineering Division).
9. Approval to install "No Parking" zone on both sides of Orchid Tree Place from Golden Rain Tree Boulevard to Paradise Tree Drive, District 4 (Traffic Engineering Division).
10. Approval to extend the existing "No Parking from 8 a.m. to 9:30 a.m. and from 3 p.m. to 4:30 p.m. Monday to Friday and from 2 p.m. to 3:30 p.m. Wednesday" zone on both sides of Killington Way from Addison Court to Killington Court, District 6 (Traffic Engineering Division).
11. Approval to construct speed humps on Medford Drive, District 6 (Traffic Engineering Division).
12. Approval to construct speed humps on Santa Barbara Road, District 6 (Traffic Engineering Division).
13. Approval to construct speed humps on San Domingo Road, District 6 (Traffic Engineering Division).

#### Utilities Department

1. Approval of Change Order #1 to Contract Y6-759-PH, Emergency Hiawasse Road Force Main Replacement Project, to Prime Construction Group, Inc., in the amount of \$1,042,615.62; Districts 2 and 6 (Construction Division).
2. Approval of Lease Agreement between Orange County and the City of Plantation for a mobile membrane pilot plant, all districts (Engineering Division).

#### INFORMATIONAL ITEMS\*

#### County Comptroller

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

- a. Florida Public Service Commission notice of hearing and prehearing re: Requirement for investor-owned electric utilities to file ongoing storm preparedness plans and implantation cost estimates.
- b. Greenway Community Development District Resolution 2007-01 identifying the Fiscal Year 2006-2007 meeting schedule.
- c. Valencia Water Control District Board of Supervisors' 2006-2007 meeting schedule.
- d. Valencia Water Control District Annual Local Government Report and copy of Audited Financial Statements for year ending September 30, 2006.

(Comptroller Clerk of the Board of County Commissioners)

2. Acknowledgement and filing of the Follow-Up of the Orange County Code Enforcement Division Office Audit (County Audit).

\*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 ITEM DEFERRED

County Comptroller

2. Approval of the minutes of the January 9, 2007, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).

Comptroller Haynie announced that Commissioner Jacobs has requested that the minutes for approval be corrected on pages 26 and 27, Conditions 7 and 6, respectively, for The Village Planned Development/Land Use Plan, Jay Klima, public hearings to read as follows:

To attenuate the lighting from the Olympia High School Stadium, within 90 days from January 9, 2007, Orange County Public Schools shall adjust downward the angle of the field lights on the west side of the stadium and shall landscape along the eastern side of the wall located near the eastern boundary line adjacent to Lots 57, 58, 59, 69, and 70 of the Willowwood Subdivision.

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 the minutes of the January 9, 2007, meeting of the Board of County Commissioners with pages 26 and 27, Conditions 7 and 6, respectively, for The

Village Planned Development/Land Use Plan, Jay Klima, public hearings to read as follows:

To attenuate the lighting from the Olympia High School Stadium, within 90 days from January 9, 2007, Orange County Public Schools shall adjust downward the angle of the field lights on the west side of the stadium and shall landscape along the eastern side of the wall located near the eastern boundary line adjacent to Lots 57, 58, 59, 69, and 70 of the Willowwood Subdivision.

#### PUBLIC WORKS DEPARTMENT DISCUSSION AGENDA

1. Presentation regarding Transportation Management Center, all districts (Traffic Engineering Division).

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

#### COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA

1. Approval of the revisions to the Phase VI Application and Grant Agreement Criteria for the Field of Dreams Program, all districts (Parks and Recreation Division).

Staff reviewed the proposed revisions to the application and grant agreement criteria; 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 the revisions to the Phase VI Application and Criteria for the Field of Dreams Program.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Approval and execution of a grant agreement between Orange County and West Orange Airport Authority (WOAA), and authorization to disburse \$155,196 to WOAA as provided in the FY 2006-07 Budget (Office of Management and Budget).

Staff and Guy Haggard, chairman of the WOAA, presented a report and requested approval of this item; Board discussion ensued.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Segal, and carried with all members present and voting AYE by voice vote, the Board approved execution of a grant agreement between Orange County and West Orange Airport Authority (WOAA); and further, authorized disbursement of \$155,196 to WOAA as provided in the FY 2006-07 Budget.

#### COUNTY ATTORNEY DISCUSSION AGENDA

1. Block Party Ordinance.

Staff presented a report on this item; Board discussion ensued. County Administrator Lalchandani announced that based on Board discussion, staff will schedule a public hearing regarding the Block Party Ordinance. No action was taken.

#### UTILITIES DEPARTMENT DISCUSSION AGENDA

1. Approval of Resolution adopting Orange County Utilities Standards and Construction Specifications Manual and Resolution adopting a specific service charge for Wastewater Pump Station Supervisory Control and Data Acquisition, all districts (Construction Division).

Staff reviewed the proposed resolutions and outlined their provisions; Board discussion ensued.

Upon a motion by Commissioner Segal, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board adopted Resolution 2007-M-06, Orange County Utilities Standards and Construction Specifications Manual, with an effective date of April 15, 2007; and further, adopted Resolution 2007-M-07, a specific service charge for Wastewater Pump Station Supervisory Control and Data Acquisition.

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, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, and Tiffany Moore
- County Administrator Ajit Lalchandani
- Deputy County Attorney Joel Prinsell
- Minutes Supervisor Kathleen Johnson

Presentation of employee service awards to: Cesar A. Melecio (25), In-Custody Support, Corrections; David W. Oliver (20), Mark A. Ratta (20), Operations, Walter E. Thiebauth (20), Training and Information, Robert L. Boone, Jr. (30), Fire Rescue; Rosalind L. Glenn (35), Youth and Family Services, Health and Family Services; Leonard Anthony Malecki (20), Roads and Drainage, Public Works.

Nonagenda-In response to a request by Commissioner Fernandez, staff presented a summary of the assistance provided to the tornado victims from Lake County on February 2, 2007.

#### JANUARY 18, 2007, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of January 18, 2007, with the exception of those listed below; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling public hearings as follows:

- Case RZ-06-07-094, Tuan Huynh for Horseshoe Lake Estates PD, on March 27, 2007.
- Case RZ-06-08-102, A. Tom Harb for Westside Place PD, on April 17, 2007.

#### PETITION TO VACATE PUBLIC HEARING-APPLICANT: RUTH M. WELLY, NO. 06-17, 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 Ruth M. Welly, Petition to Vacate 06-17, to vacate a portion of a right-of-way known as Henry Street, on property lying south of West Kelly Park Road and west of North Rock Springs Road, located at 302 West James Avenue; Parcel ID 16-20-28-7612-12-050; District 2; Section 16, Township 20, 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 Brummer, 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 06-17 vacating a portion of a right-of-way known as Henry Street on the above-described property.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: DENNIS J. O'ROURKE, NO. 06-34, PORTION OF ALLEY; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Dennis J. O'Rourke, Petition to Vacate 06-34, to vacate a 7-foot-wide remnant portion of a 14-foot-wide alley, on property lying south of Pine Street and east of South Orange Avenue, located at 9420 1st Avenue; Parcel ID 01-24-29-8516-20-706; District 4; Section 01, Township 24, Range 29; 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 Stewart, seconded by Commissioner Moore, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 06-34 vacating a 7-foot-wide remnant portion of a 14-foot-wide alley on the above-described property.

PLANNING AND ZONING COMMISSION BOARD-CALLED PUBLIC HEARING APPLICANT: RICHARD DAVES, THE CENTER FOR DRUG FREE LIVING; CASE RZ-06-09-127, OCTOBER 19, 2006; DISTRICT 6-CONTINUED FROM JANUARY 9, 2007

By consensus, the Board reopened the public hearing to consider a request by Richard Daves, The Center for Drug-Free Living, Inc., to rezone from Single-family Dwelling District (R-1A) (1957) to Neighborhood Residential (NR) continued from the January 9, 2007, Board meeting (the legal property description is on file).

Staff explained that the public hearing was continued to hold a community meeting. Staff stated the applicant has requested a continuance.

The County Mayor noted the applicant present.

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

Upon a motion by Commissioner Moore, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider a request by Richard Daves, The Center for Drug-Free Living, Inc., to rezone from Single-family Dwelling District (R-1A) (1957) to Neighborhood Residential (NR) until March 27, 2007, at 2 p.m.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: KATHY HATTAWAY, LITTLE LAKE BRYAN PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT/LAND USE PLAN (PD/DRI/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 Kathy Hattaway, Little Lake Bryan PD/DRI/LUP; to amend the LUP to add multi-family residential use to the PD and decrease hotel rooms through use of a Conversion Matrix; in addition, the land use on Parcel 8 has been revised from Mixed Use to Residential/Boardinghouse, pursuant to Orange County Code, Section 38-1207; on property generally located west of International Drive, and east of the Interstate-4/S.R. 535 Interchange; multiple parcels located in District 1; Sections 22, 23 and 27, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

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

The following person addressed the Board: Kathy Hattaway, 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 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 Kathy Hattaway, Little Lake Bryan Planned Development/Development of Regional Impact/Land Use Plan (PD/DRI/LUP); to amend the LUP to add multi-family residential

use to the PD and decrease hotel rooms through use of a Conversion Matrix; in addition, the land use on Parcel 8 has been revised from Mixed Use to Residential/Boardinghouse; which constitutes a substantial change to the development on the above-described property; subject to the following conditions:

1. Development shall conform to the Little Lake Bryan LUP, dated "Received November 9, 2006," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities confirming with the restriction and requirements in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the development to achieve or obtain those desired uses, densities, and intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, the condition of approval shall control to the extent of such conflict or inconsistency.
2. 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 application (or authorized agent) to the Board of County Commissioners (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 reasonably 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 authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
3. The following Education Condition of Approval shall apply:
  - The developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of July 31, 2006.

- 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 196 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again being 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.
- The 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 is 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. All previous conditions of approval shall apply.

COMPREHENSIVE POLICY PLAN AMENDMENT PUBLIC HEARING-TRANSMITTAL OF 2007-1 REGULAR CYCLE AMENDMENTS

Notice was given that the Board of County Commissioners would hold a public hearing regarding transmittal of proposed amendments to the Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the matters set forth below:

1. Proposed amendments to the CPP Future Land Use Element (FLUE) Map, which would change the designation of lands within the areas identified on the map on file.
2. Proposed amendment to FLUE Policy 1.1.2.1.A allocating additional lands within the Urban Service Area.
3. Text amendments to revise portions of the Transportation Element Map to include updates based on the Orange County 5-year Capital Improvements Program, the Florida Department of Transportation (FDOT) 5-year Work Program, METROPLAN

Orlando's Transportation Improvement Program, and the Expressway Authority Master Plan.

4. Text amendment to Transportation Element Objectives 1.2 and 1.6 and Policies 1.1.2, 1.3.5, 1.4.1, and 1.4.2 to revise concurrency policies to achieve consistency between the Transportation Element and the Land Development Code.

(The Amendment Booklet and map are on file. The parcels of property that are subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers are on file. Also, the currently adopted land uses and requested land use changes are on file.)

Staff stated that advertising requirements for the CPP Amendment public hearings were met and that the Local Planning Agency (LPA) considered all of the CPP amendments at its public hearing on November 16, 2006.

Staff noted that the final adoption public hearings are scheduled before the BCC on June 12, 2007.

#### PRIVATELY INITIATED FUTURE LAND USE MAP (FLUM) AMENDMENTS AND TEXT AMENDMENTS

Future Land Use Map Amendment 2007-1-A-1-1, Kathy Hattaway, HCI/Matt Kelly, Walt Disney World Co., and WDWHRC

Staff reviewed the request and noted the Local Planning Agency and staff recommended transmittal with a future land use designation of Growth Center-Commercial.

The following person addressed the Board: Kathy Hattaway, 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 Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 2007-1-A-1-1, Kathy Hattaway, HCI/Matt Kelly, Walt Disney World Co., and WDWHRC, for transmittal to the State of Florida Department of Community Affairs.

Future Land Use Map Amendment 2007-1-A-1-2, Kendell Keith/Chancellor Investments

Staff announced this item has been withdrawn.

Future Land Use Map Amendment 2007-1-A-1-3, Rodger L. Anderson/Ronney Oliveira

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-2-2, James Hall-Canin Associates/Ted Dewitt

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-2-3, Jeremy M. Kibler/Bruce and James Knox

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-2-4, Advanced Remediation

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-2-5, Interplan, LLC/Ocoee Holdings, LLC

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-2-6, Scott Hall/The Pizzuti Companies/Pizzuti Equities, Inc.-Clarcona Ocoee, LLC

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-4-1, Aaron Gorovitz, Lowndes Drosdick et al., P.A./Joseph A. Amrhein Trust

Staff reviewed the request and noted the Local Planning Agency and staff recommended transmittal with a future land use designation of Planned Development-Commercial/Urban Service Area Expansion.

The following person addressed the Board: Aaron Gorovitz, the applicant.

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 approved Future Land Use Map Amendment 2007-1-A-4-1, Aaron Gorovitz, Lowndes Drosdick et al., P.A./Joseph A. Amerhein Trust, for transmittal to the State of Florida Department of Community Affairs.

Future Land Use Map Amendment 2007-1-A-4-2, Daly Design Group/Rio Real Properties Orlando, LLC

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-5-1, MSCW, Inc./Dill Properties, Inc.

Staff announced that this item has been withdrawn.

Future Land Use Map Amendment 2007-1-A-5-2, Hugh Harling, Jr., Harling Locklin & Associates, Inc./Gerald Braley-Bay Pointe Homes

Staff reviewed the request and noted the Local Planning Agency and staff recommended transmittal with a future land use designation of Planned Development-Low-Medium Density Residential, Commercial, and Senior Housing.

The following person addressed the Board: Hugh Harling, Jr., the applicant.

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

Upon a motion by Commissioner Segal, seconded by Commissioner Moore, and carried with County Mayor Crotty and Commissioners Jacobs, Brummer, Fernandez, Segal, and Moore voting AYE by voice vote; Commissioner Stewart voting NO by voice vote; the Board approved Future Land Use Map Amendment 2007-1-A-5-2, Hugh Harling, Jr., Harling Locklin & Associates, Inc./Gerald Braley-Bay Pointe Homes, for transmittal to the State of Florida Department of Community Affairs.

Future Land Use Map Amendment 2007-1-A-5-3, Railey and Harding, P.A./Cedar Trust Services, Inc.

Staff reviewed the request and noted the Local Planning Agency and staff recommended transmittal with a future land use designation of Planned Development-High-Density Residential, Student Housing.

The following persons addressed the Board:

- Robert Harding, for the applicant
- Judith Knight, area resident

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

Upon a motion by Commissioner Segal, seconded by Commissioner Moore, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 2007-1-A-5-3, Railey and Harding, P.A./Cedar Trust Services, Inc., for transmittal to the State of Florida Department of Community Affairs.

Future Land Use Map Amendment 2007-1-A-6-2, Steve Blanton/Craig and Audrey Pearlman

Staff announced this item has been postponed to a future cycle.

Future Land Use Map Amendment 2007-1-A-6-3, Dereck A. Taylor/EW Sunvest Golf Development, LLC

Staff reviewed the request and noted staff recommended denial of transmittal and the Local Planning Agency recommended transmittal with a future land use designation of Sports Complex Planned Development-Commercial/Medium Density.

Commissioner Moore requested the following conditions be added:

- "The applicant must submit their zoning application prior to final adoption before the Board of County Commissioners (BCC) so that the BCC can see what the applicant is proposing.
- A neighborhood meeting must be held with Commissioner Moore and the District 6 Local Planning Agency representative in attendance prior to final adoption before the BCC."

The following persons addressed the Board:

- Tom Wilkes, for the applicant
- Dereck Taylor, the applicant
- Roslyn Whiteway
- Ernest DeSalvo
- Shirley Bryant

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

Upon a motion by Commissioner Moore, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Map Amendment 2007-1-A-6-3, Dereck A. Taylor/EW Sunvest Golf Development, LLC, for transmittal to the State of Florida Department of Community Affairs subject to the following conditions:

- The applicant must submit their zoning application prior to final adoption before the Board of County Commissioners (BCC) so that the BCC can see what the applicant is proposing.
- A neighborhood meeting must be held with Commissioner Moore and the District 6 Local Planning Agency representative in attendance prior to final adoption before the BCC.

#### PRIVATELY INITIATED FUTURE LAND USE ELEMENT (FLUE) TEXT AMENDMENTS

##### Future Land Use Element 2007-1-P-FLUE-1, Kendell Keith/Chancellor Investments

Staff announced this item has been postponed to a future cycle.

#### STAFF INITIATED COMPREHENSIVE POLICY PLAN (CPP) TEXT AMENDMENTS

##### Future Land Use Amendment 2007-1-B-FLUE-1/Policy 1.1.2.1, Orange County Planning Division

Staff reviewed the policy and explained that it is related to allocations of additional lands within the Urban Service Area. Staff noted that staff and the Local Planning Agency recommended approval of transmittal.

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 Segal, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Amendment 2007-1-B-FLUE-1, Orange County Planning Division, for transmittal to the State of Florida Department of Community Affairs.

NOTE: THE FOLLOWING 2 ITEMS WERE CONSIDERED TOGETHER.

Future Land Use Amendment 2007-1-B-TRAN-1, Orange County Transportation Planning Division

Staff reviewed the request and noted that staff and the Local Planning Agency recommended approval of transmittal.

and

Future Land Use Amendment 2007-1-B-TRAN-2, Orange County Transportation Planning Division

Staff reviewed the objectives/policies and noted that staff and the Local Planning Agency recommended approval of transmittal of the objectives/policies.

Staff recommended retaining the word "shall" in the first sentence of Amendment 2007-1-B-TRAN-2, Objective 1.6.

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 Stewart, seconded by Commissioner Moore, and carried with all members present and voting AYE by voice vote, the Board approved the following amendments for transmittal to the State of Florida Department of Community Affairs:

- Amendment 2007-1-B-TRAN-1, Orange County Transportation Planning Division
- Amendment 2007-1-B-TRAN-2, Orange County Transportation Planning Division;

and further, retained the word "shall" in the first sentence of Amendment 2007-1-B-TRAN-2, Objective 1.6.

DEVELOPMENT REVIEW COMMITTEE (DRC) APPEAL-APPELLANT: ALISON YURKO, VILLAGES OF CAMELOT; PAY AS YOU GO AGREEMENT, UNIVERSITY BOULEVARD; DISTRICT 5-CONTINUED FROM JULY 11, SEPTEMBER 12, AND OCTOBER 31, 2006

By consensus, the Board reopened the public hearing to sit as a Board of Appeal to consider an appeal by Alison Yurko, Villages of Camelot, of the decision by the Orange County Development Review Committee, dated May 10, 2006, on a request by Joe McKinney, Lee Chira & Associates, Villages of Camelot, for a Pay-As-You-Go Agreement for University Boulevard continued from the July 11, September 12, and October 31, 2006, Board meetings (the legal property description is on file).

Staff announced that the applicant has withdrawn the request.

MEETING ADJOURNED

There being no further business, the County Mayor adjourned the meeting at 3:30 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

\_\_\_\_\_  
County Mayor

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

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